

FEDERAL REGISTER

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The President

PROCLAMATION 2553

EMERGENCY DUE TO STATE OF WAR—FREE IMPORTATION BY THE AMERICAN NATIONAL RED CROSS OF FOOD, CLOTHING, AND MEDICAL, SURGICAL, AND OTHER SUPPLIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by the Joint Resolution of December 8, 1941 (Public Law 328, 77th Congress), the Joint Resolution of December 11, 1941 (Public Law 331, 77th Congress), and the Joint Resolution of December 11, 1941 (Public Law 332, 77th Congress), a state of war was declared between the United States and the Imperial Government of Japan, the United States and the Government of Germany, and the United States and the Government of Italy; and

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696; U. S. C., 1940 ed., title 19, sec. 1318), provides, in part, as follows:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act, and may authorize the Secretary of the Treasury to permit, under such regulations as the Secretary, of the Treasury may prescribe, the importation free of duty of food, clothing, and medical, surgical, and other supplies for use in emergency relief work. * * * and

WHEREAS under sections 1, 2, and 3 of the Act approved on January 5, 1905, 33 Stat. 599-600 (U.S.C., 1940 ed., title 36, secs. 1, 2, and 3), The American National Red Cross was created a body corporate and politic in the District of Columbia and empowered to do all such acts and things as may be necessary to promote the purposes of such body corporate and politic, which purposes include acting in, carrying on, and administering emergency relief:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United

States of America, acting under and by virtue of the authority vested in me by the above-quoted provisions of the Tariff Act of 1930, do hereby declare an emergency to exist by reason of a state of war, and do hereby authorize the Secretary of the Treasury to permit until the termination of such state of war (unless before that date it has been determined by the President and declared by his proclamation that the emergency existing by reason of such state of war has terminated), under such regulations as such Secretary may prescribe and subject to such conditions as he may deem necessary, the importation free of duty of food, clothing, and medical, surgical, and other supplies by or directly for the account of The American National Red Cross for use by it in emergency relief work in connection with the aforementioned emergency existing by reason of a state of war.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of April in the year of our Lord nineteen hundred and forty [SEAL] two and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-3846; Filed, April 23, 1942; 10:30 a. m.]

PROCLAMATION 2554

ANDREW JOHNSON NATIONAL MONUMENT—TENNESSEE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Act of Congress approved August 29, 1935, 49 Stat. 958, provides that when title to the site of the Andrew Johnson Homestead and the site of the tailor shop in which Andrew Johnson worked, together with such buildings

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THE PRESIDENT

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and property located thereon as may be designated by the Secretary of the Interior, shall have been vested in the United States, said area and improvements, together with the burial place of Andrew Johnson, now administered as a national cemetery, shall be designated and set apart by proclamation of the President as a national monument to be called the Andrew Johnson National Monument; and

WHEREAS title to all of the land, buildings, and other property required for the establishment of the said monument is vested in the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Act of August 29, 1935, do proclaim that, subject to all valid existing rights, the following-described parcels of land with the buildings and improvements thereon, situated in the Town of Greeneville, Tenth Civil District of Greene County, Tennessee, are hereby set apart as a national monument to be known as the Andrew Johnson National Monument:

PARCEL No. 1—ANDREW JOHNSON HOMESTEAD

All that certain tract of land situated on the east side of Main Street between Summer and McKee Streets, abutting Brumley on the north and Bernard Warehouses, Incorporated, on the south, and extending from Main Street to College Street, formerly known and designated as Water Street, and more particularly described as follows:

Beginning in the east line of Main Street at a point northerly 128.6 feet from McKee Street; thence with the line of Main Street, north 21°30' east, 218.6 feet to corner with Brumley; thence with her line, south 69°10' east, 428.5 feet to College Street; thence with College Street, south 21°35' west, 190 feet to corner of Bernard Warehouses, Incorporated; thence with its lines north 69°34' west, 262.7 feet; thence south 21°30' west, 26 feet; thence north 69°34' west, 165.5 feet to the beginning and containing 1.95 acres, more or less.

PARCEL No. 2—ANDREW JOHNSON TAILOR SHOP

All that certain tract of land situated on the northwest corner of Depot and College Streets, more particularly described as follows:

Beginning on Depot Street, running north 29°52' east, 66.3 feet to a stake on the corner of the lot belonging to Charles Hull; thence with his line south 64°25' east, 81.6 feet to Water Street, now College Street; thence with Water Street south 30°39' west, 72.4 feet to Depot Street; thence with Depot Street north 67°00'18" west, 80.4 feet to the beginning containing 0.13 acres, more or less.

PARCEL No. 3—ANDREW JOHNSON NATIONAL CEMETERY

All that certain tract of land, known as "Monument Hill," more particularly described as follows:

Beginning at a fence post on the south side of South Main Street, approximately 1200 feet southwesterly from the intersection of Charles and Main Streets (H. H. Grouchenour's corner); thence with Grouchenour's line south 8°30' east, 150 feet; thence south 6°30' west, 530.2 feet to an ash, corner to Grouchenour and Terrell field; thence with the lines of said field south 64°45' west, 495 feet to a stone; thence south 51° west, 405.4 feet to a fence post at the public road; thence with the public road south 3°45' west, 350 feet; thence south 4° east, 133.3 feet to a post; thence leaving said road, south 60° east, 144 feet more or less to Vann's land; thence with Vann's and Kitchen's line north 63°45' east, 959 feet more or less to a fence post, a corner of Kitchen's and O'Keefe's land; thence with O'Keefe's lines, three courses; north 19°15' west, 521.5 feet to a fence post; north 6°30' east, 646 feet to a stake; north 8°30' west, 150 feet to a stake on the south side of South Main Street, thence with South Main Street, south 82°45' west, 50 feet to the beginning, containing 15 acres, more or less.

The area set apart for the National Monument contains 17.08 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any part or feature of this monument, and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 27th day of April in the year of our Lord nineteen hundred and forty-two and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-3847; Filed, April 29, 1942; 10:36 a. m.]

EXECUTIVE ORDER 9148

TRANSFERRING CREDIT UNION FUNCTIONS, RECORDS, PROPERTY, AND PERSONNEL FROM THE FARM CREDIT ADMINISTRATION TO THE FEDERAL DEPOSIT INSURANCE CORPORATION

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress), it is hereby ordered as follows:

1. *Transfer of Functions.* All functions, powers, and duties of the Farm Credit Administration and of the Governor thereof under the Federal Credit Union Act, as amended, (Title 12 U.S.C., 1751-1771) are transferred to the Federal Deposit Insurance Corporation.

2. *Transfer of Records, Property, and Personnel.* All records and property (including office equipment) and all personnel of the Farm Credit Administration used primarily in the administration of the functions transferred by this order are transferred to the Federal Deposit Insurance Corporation for use in the administration of the functions transferred by this order; but any personnel so transferred who are found by the Federal Deposit Insurance Corporation to be in excess of the personnel necessary for the administration of such functions, powers, and duties shall be retransferred under existing law to other positions in the Government or separated from the service.

3. *Transfer of Funds.* So much of the unexpended balances of appropriations or other funds available (including those available for the fiscal year ending June 30, 1943) to the Farm Credit Administration in the exercise of the functions transferred by this order, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the Federal Deposit Insurance Corporation for use in connection with the exercise of the functions so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations or other funds prior to the transfer.

4. *Effective and Termination Dates.* This order shall become effective as of May 16, 1942, and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 27, 1942.

[F. R. Doc. 42-3781; Filed, April 23, 1942; 2:21 p. m.]

EXECUTIVE ORDER 9149

AMENDMENT OF EXECUTIVE ORDER 5643 OF JUNE 8, 1931, PRESCRIBING REGULATIONS GOVERNING REPRESENTATION AND POST ALLOWANCES

By virtue of and pursuant to the authority vested in me by section 19 of the act of February 23, 1931, 46 Stat. 1209 (U.S.C., title 22, sec. 12), it is ordered that the fourth and fifth paragraphs appearing under the heading "Accounting" in Executive Order No. 5643 of June 8, 1931, as amended, prescribing regulations governing representation and post allowances, be, and they are hereby, amended to read as follows:

Due to express provisions of law, representation allowances shall not be used for expenses in connection with any of the following objects:

1. Hire, purchase, operation, maintenance, or repair of any motor-propelled passenger-carrying vehicle. (U.S.C., title 5, secs. 77 and 78.)
2. Club or association dues. (U.S.C., title 5, sec. 83.)
3. Printing or engraving expenses. (U.S.C., title 44, sec. 219.)

The statutory requirement for competitive bids in connection with certain expenditures (U.S.C., title 41, secs. 5 and 6) shall apply to expenditures charged to representation allowances, except where it is manifestly impossible to obtain bids, in which case the circumstances must be completely set forth in the account.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 27, 1942.

[F. R. Doc. 42-3780; Filed, April 23, 1942; 2:21 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

MERGER OF SHAREHOLDER GROUPS IN ASSOCIATIONS OPERATING UNDER SECTION 25 (b) OF THE FARM CREDIT ACT OF 1937

Title 6, Code of Federal Regulations, is amended by adding new §§ 11.2073-522, and 11.2073-523, to read as follows:

The following regulations are issued pursuant to the fourth paragraph of section 25 (b) of the Farm Credit Act of 1937 (title 12, U.S.C., 724 (d)):

§ 11.2073-522 *Definitions.* For the purpose of these regulations the following words and phrases shall have the meanings herein ascribed to them:

(a) "To merge" shall mean to combine pursuant to an agreement authorized by the fourth paragraph of said section 25 (b) and entered into in accordance with these regulations and "merger" shall describe the consummation of the union provided for in such an agreement.

(b) "Group 1" shall mean those shareholders of an association with loans which were made prior to the date on which the first member was admitted to such association pursuant to said section.

(c) "Group 2" shall mean those shareholders of an association with loans which were made on or after the date on which the first member was admitted to the association pursuant to said section and with respect to whom the special provisions of paragraphs "First" to "Sixth" of that section have become applicable.

(d) "When all impairment is removed", as used in the fourth paragraph of said section, shall mean when the Farm Credit Administration shall determine that the aggregate corporate liabilities of a group in an association authorized to operate under said section, including capital stock, do not exceed in amount the fair value of the total assets of such group, or, if there is an excess of such liabilities over such assets, that excess reasonably may be regarded, under all the circumstances, as negligible in amount or percentage, as apparent rather than real, or as temporary only.

§ 11.2073-523 *Procedure.* Whenever, in an association authorized to operate under section 25 (b) of the Farm Credit Act of 1937, all impairment is removed

in the stock owned by shareholders in group 1, and there is no impairment in the stock owned by shareholders in group 2, such groups may merge in the manner hereinafter set forth:

(a) The board of directors of the association shall call separate special meetings of the shareholders of group 1 and the shareholders of group 2 for the purpose of considering a proposed resolution of merger in a form prescribed by the Farm Credit Administration. Such meetings shall be called and held in accordance with the provisions of the association's bylaws applicable to meetings of association shareholders. The notice of the meetings shall contain a statement that a merger of the two groups of association shareholders will be voted upon and should contain a brief statement of the nature and effect of the proposal. At these meetings the effect of the proposed merger should be fully explained to the shareholders.

(b) The approval of two-thirds of the shareholders present and entitled to vote at each meeting at which the resolution of merger is considered shall be requisite for the adoption of such resolution.

(c) At least three copies of such resolution shall be prepared, and, when the resolution has been duly adopted by both groups, three copies shall be forwarded to the Federal land bank of the district in which the association is located.

(d) The bank may request an examination of the association either on or before the adoption of the merger resolution. An examination may be required by the Land Bank Commissioner at any stage in the proceedings if it appears necessary in the interests of the shareholders.

(e) The bank shall forward to the Farm Credit Administration the three copies of the resolution, a current financial statement of groups 1 and 2 and its recommendation as to whether the merger should be approved.

(f) No merger shall be effective unless or until it has been approved by the Land Bank Commissioner. If the merger resolution is approved by the Land Bank Commissioner, the effective date will be specified in his written approval and the bank and association will be notified of the approval and effective date by letter; and each will be sent one copy of the merger resolution for its files. Upon receipt of the approval notice the bank shall take such steps as it deems necessary to assist the secretary-treasurer of the association in consolidating the accounts and records of the two groups pursuant to the merger resolution. Such consolidation of accounts and records shall be made as of the close of business on the effective date of the merger. As soon as the merger has been completed, the secretary-treasurer shall notify each of the members of the association that the merger has been effected. A copy of that notice shall be sent to the Farm Credit Administration. (Sec. 6, 47 Stat. 14, sec. 25 (b), 50 Stat. 711; 12 U.S.C. 665, 724 (d))

[SEAL]

W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 42-3783; Filed, April 28, 1942; 12:08 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency, Agricultural Conservation and Adjustment Administration

[ACP-1942-12]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148, 16 U. S. C. 590g to 590q), as amended, the 1942 Agricultural Conservation Program, as amended,¹ is further amended as follows:

The following paragraphs of § 701.301 are amended by deleting the rates shown therein and inserting in lieu thereof the following:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions.*

(a) *Corn.*

(8) *Payment 5.5*

(b) *Cotton.*

(7) *Payment 1.2*

(c) *Peanuts.*

(5) *Payment \$1.25*

(d) *Potatoes.*

(6) *Payment 1.8*

(e) *Rice.*

(5) *Payment 2.4.*

(f) *Tobacco.*

(4) *Payment.*

Burley	0.6
Flue-cured	.5
Dark air-cured	.8
Fire-cured	1.3
Virginia sun-cured	.6
Cigar filler tobacco, type 41	.4
Cigar filler and binder (except Types 41 and 45)	.6
Georgia-Florida Type 62	.8

(g) *Wheat.*

(7) *Payment 9.9.*

Done at Washington, D. C. this 25th day of April 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-3831; Filed, April 8, 1942; 4:39 p. m.]

[P-1942-1]

PART 741—PARITY PAYMENT REGULATIONS

SUBPART D—1942

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1942 (Public Law No. 144, 77th Congress, approved July 1, 1941;

¹ 7 F.R. 1410, 1825, 2287, 2771.

55 Stat. 446), and pursuant to the provisions of sections 301 and 303 of the Agricultural Adjustment Act of 1938, as amended (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 38, 45, 7 U.S.C. 1940 ed. 1301, 1303) the 1942 Parity Payment Regulations, as approved February 16, 1942,² are hereby amended as follows:

Section 741.302 is amended to read as follows:

§ 741.302 *Rates of payment and deduction—*(a) *Corn.* (1) Section 701.301 (a) (8) of the 1942 Agricultural Conservation Program Bulletin, as now or hereafter amended (hereinafter referred to as ACP-1942), is hereby incorporated as this subparagraph, except that the rate of payment shall be 11.1 cents.

(2) Section 701.301 (a) (9) of ACP-1942 is hereby incorporated as this subparagraph.

(b) *Tobacco.* (1) Section 701.301 (f) (4) of ACP-1942 is hereby incorporated as this subparagraph, except that the rate of payment for each type of tobacco shall be as follows:

	Cents
Cigar-filler and binder (types 42-44, 46, 51-55)	0.7

(2) Section 701.301 (f) (5) of ACP-1942 is hereby incorporated as to this subparagraph.

(c) *Wheat.* (1) Section 701.301 (g) (7) of ACP-1942 is hereby incorporated as this subparagraph, except that the rate of payment shall be 13.5 cents.

(2) Section 701.301 (g) (8) of ACP-1942 is hereby incorporated as this subparagraph.

Done at Washington, D. C. this 25th day of April 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-3830; Filed, April 28, 1942; 4:39 p. m.]

Chapter IX—Agricultural Marketing Administration

[O-45-1]

PART 945—MILK IN WASHINGTON, D. C., MARKETING AREA

AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE WASHINGTON, D. C., MARKETING AREA²

The Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued on August 29, 1941, effective as of September 6, 1941, the order, as amended, regulating the handling of milk in the Washington, D. C., marketing area.

There being reason to believe that amendment of said order, as amended, would tend to effectuate the declared

¹ 7 F.R. 1013.

² See Agricultural Marketing Administration, determination, *infra*.

policy of the act, notice was given on the 5th day of February 1942, of a hearing which was held on February 12, 16, 17, 18, and 19, 1942, at Washington, D. C., at which time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended.

The requirements of section 8c (9) of the act have been complied with.

It is found upon the evidence introduced at the last above-mentioned hearing on proposed amendments, said findings being in addition to the findings made upon the evidence introduced at all prior hearings on said order and on amendments thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with findings hereinafter set forth):

§ 945.0 Findings. (a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to secs. 2 and 8e (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608e), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

(c) That the issuance of this amendment to the order, as amended, and all the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

It is hereby ordered, That the order, as amended, regulating the handling of milk in the Washington, D. C., marketing area, shall be, and it is hereby amended as follows:

1. Change the period at the end of § 945.1 (a) (5) to a colon and add the following:

* * * *Provided*, That this definition shall not include persons delivering milk to a plant outside the marketing area from which no milk was shipped to the marketing area as milk during the preceding year.

2. Delete § 945.1 (a) (6) and substitute therefor the following:

(6) The term "handler" means any person, irrespective of whether such person is also a producer or a cooperative association of producers, who engages in such handling of milk or cream disposed of in the marketing area for Class I use as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce

in milk and its products: *Provided*, That this definition shall not include producers or cooperative associations of producers with respect to milk or cream not handled through their own receiving or bottling plants.

3. In § 945.3 (a) (1) substitute "11th" for "8th."

4. In § 945.3 (a) (3) substitute "19th" for "16th."

5. Delete § 945.4 (b) (1) and (2) and substitute therefor the following:

(1) Class I milk—All milk disposed of in the form of fluid milk, sales of skim milk, buttermilk, flavored or manufactured milk drinks for human consumption, and all milk the utilization of which is not classified in Class II.

6. Renumber § 945.4 (b) (3) to § 945.4 (b) (2), change "Class III" to "Class II" and substitute for the phrase "all milk: the cream therefrom which is disposed of" the phrase "all milk disposed of as milk or cream".

7. Delete § 945.4 (c) and substitute therefor the following:

(c) *Transfers of milk and cream.* (1) Milk, skim milk, or cream received at a handler's plant from another handler's plant, at both of which milk is received from producers, shall be allocated to Class I: *Provided*, That if a different allocation is agreed upon in writing between such receiving handler and such selling handler or cooperative association and is submitted to the market administrator, then the milk, skim milk, and cream shall be allocated according to such written agreement: *And provided further*, That the amount so allocated to any class shall not be greater than the amount used in that class by the receiving handler after deduction of any milk pursuant to subparagraph (2) of this paragraph.

(2) Milk, skim milk, and cream received at a plant at which milk is received from producers from a plant at which no milk is received from producers shall be allocated to Class II, except that any of this milk, skim milk, and cream in excess of the amount of Class II milk used by the receiving handler shall be allocated to Class I.

(3) Milk, skim milk, and cream received at a plant at which milk is received from producers from a plant under another Federal milk marketing agreement or order shall be allocated to each class in accordance with its classification as determined by the market administrator under the latter order.

8. Delete § 945.4 (d) and substitute therefor the following:

(d) *Computation of the volume of milk to be accounted for by the handler in each class.* For each delivery period, the market administrator shall compute for each handler the volume of milk that he is to account for in each class as follows:

(1) Class I milk—Subtract the milk equivalent (at the average test of milk from producers) of milk and cream disposed of for the account of an association of producers and the Class II milk computed pursuant to subparagraph (2)

of this paragraph from the total receipts of milk from producers.

(2) Class II milk—Subtract the pounds of butterfat in milk and cream received from other handlers and classified as Class II milk pursuant to paragraph (c) of this section from the pounds of butterfat in milk and cream disposed of as Class II milk, and divide by the average test of milk received from producers.

9. Delete § 945.5 and substitute therefor the following:

§ 945.5 *Minimum prices*—(a) *Class prices.* Each handler shall pay not less than the following prices, at the time and in the manner set forth in § 945.8, and subject to paragraphs (b), (c), and (d) of § 945.8 for milk purchased or received from producers and associations of producers.

(1) Class I milk—\$3.57 per hundredweight: *Provided*, That the price of Class I milk disposed of by a handler from a plant not having a health department permit to sell fluid milk or fluid cream in the District of Columbia shall be \$3.11 per hundredweight: *And provided further*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income groups including persons who are on relief, the price shall be not less than \$3.11 per hundredweight.

(2) Class II milk—The price per hundredweight during each month shall be the sum of the respective values of butterfat and skim milk, calculated as follows by the market administrator:

(i) *Butterfat*—Add all market quotations (using midpoint of any weekly range as one quotation) of prices for a 40-quart can of sweet cream approved for Pennsylvania only, and for Pennsylvania, Newark, and Lower Merion Township, in the Philadelphia, Pennsylvania, market, reported for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract 28 cents, divide by 33.48, multiply by 4, and subtract 23½ cents.

(ii) *Skim milk*—Compute the average for all the dry skim milk powder quotations for carlots for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags" (using midpoint of any range as one quotation), published during such delivery period by the United States Department of Agriculture for New York City, subtract 4.5 cents, and multiply by 7.5.

10. Delete § 945.7 (a) and substitute therefor the following:

(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute the value of milk disposed of by each handler receiving milk from other producers, as follows: multiply the hundredweight of milk in each class by the prices applicable pursuant to § 945.5, add the hundredweight of the milk equivalent (at the average test of milk received from producers) of the butterfat contained in cream received from plants at which no

milk is received from producers, which is allocated to Class I, times the Class I price, less the Class II price, computed pursuant to § 945.5, add the resulting values together, and divide by the hundredweight of milk received from producers.

11. Throughout § 945.7 (b) (1) and (2) substitute "14th" for "11th" and in § 945.7 (b) (1) (iii) substitute "Class II" for "Class III".

12. Delete § 945.8 (a) and substitute therefor the following:

(a) *Time and method of payment*—(1) *Semimonthly payments*. On or before the last day of each delivery period, each handler shall make payment to producers for milk delivered during the first 15 days of such period at not less than a rate per hundredweight which is estimated will be his uniform price for such month.

(2) *Final payments*. On or before the 18th day after the end of each delivery period, each handler shall make full payment, subject to paragraphs (b), (c), (d), and (e) of this section for the total value of milk received from producers and associations of producers during the delivery period computed pursuant to § 945.7, after taking credit for payments made pursuant to § 945.8 (a) (1), except as provided for in paragraph (f) of this section, as follows:

(i) To each producer except as provided in subdivision (ii) of this subparagraph at not less than the composite price for milk containing 4 percent butterfat, computed pursuant to § 945.7.

(ii) To a cooperative association for (a) milk which is caused to be delivered to a handler from producers by a cooperative association, and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subdivision (i) of this subparagraph minus an amount equal to the hundredweight of milk or milk equivalent of cream disposed of for the account of the association times the composite price plus the amount of skim milk retained from such milk and cream (at the average test of milk received from producers) times 110 percent of the skim value computed pursuant to § 945.5 (a) (2) (ii) less 23½ cents, and (b) other milk or cream, in each use classification determined pursuant to § 945.4 (c) and (d), respectively, received by such handler for the account of an association of producers at not less than the class prices specified in § 945.5, plus the weighted average premium per hundredweight payable to producers by such handler.

13. Delete the words "5 cents per hundredweight" in § 945.8 (c) and substitute therefor the following:

"an amount per hundredweight of milk equal to one-fortieth of the price for butterfat computed pursuant to § 945.5 (a) (2) (i)."

14. In § 945.8 (e) substitute "Class I milk" for "combined total of Class I milk and Class II milk."

15. In § 945.9 (a) and (b), delete the words "not more than 7½ cents per test" and substitute therefor "one-half the cost per test". Also delete the words

"15th day" and substitute therefor "18th day".

16. In § 945.9 (a) delete the words "and Class II".

(48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C., and Supp. 601 et seq.)

Issued at Washington, D. C., this 28th day of April 1942, to become effective on and after the 1st day of May 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-3829; Filed, April 28, 1942; 4:40 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of the Alien Property Custodian

PART 502—VESTING ORDERS

VESTING OF PROPERTY OF GENERAL ANILINE AND FILM CORPORATION OF DELAWARE

§ 502.5 *Vesting Order No. 5*. (a) I, Leo T. Crowley, Alien Property Custodian, acting under and by virtue of the authority vested in me by the President pursuant to section 5 (b) of the Act of October 6, 1917, as amended by section 301 of the First War Powers Act, 1941, and pursuant to Executive Order No. 9095, dated March 11, 1942, finding upon investigation that the shares of stock of General Aniline and Film Corporation of Delaware which were covered by the vesting order issued by the Secretary of the Treasury under date of February 16, 1942, and which are described therein, were at the time of the issuance of such vesting order the property of Nationals of a Foreign Country designated in Executive Order No. 8389, as amended,¹ as defined therein, and that the action herein taken is in the public interest, do hereby order and declare that said shares (or, in the event any or all of them have been cancelled and new shares issued in lieu thereof, then such new shares representing a corresponding property ownership or interest in such corporation), including all interest therein, are hereby vested in the Alien Property Custodian to be held used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

(b) Such property and any proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return or compensation should be made.

(c) Any person not a national of a foreign country designated in Executive Order No. 8389, as amended, asserting any interest in said property, or any party asserting any claim as a result of this order, may file with the Alien Prop-

erty Custodian a notice of his claim, together with a request for hearing thereon, on Form APC-1 within one year of the date of this order, or within such further time as may be allowed by the Alien Property Custodian. (E.O. 9095, 7 F.R. 1971)

This order shall be published in the FEDERAL REGISTER.

LEO T. CROWLEY,
Alien Property Custodian.

APRIL 24, 1942.

[F. R. Doc. 42-3865; Filed, April 29, 1942; 11:47 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 71—ENLISTMENT IN THE REGULAR ARMY¹

SUSPENSION OF CERTAIN REGULATIONS PERTAINING TO EXAMINATION AND ENLISTMENT, WITH EXCEPTIONS

§ 71.22 *Physical examination of applicants for enlistment.*

(a) * * *

(2) Individuals may be accepted as applicants for enlistment at recruiting stations which lack complete examination facilities, but actually enlisted only at recruiting or induction stations which do have complete examination facilities. So much of §§ 71.9 to 71.14, inclusive as conflicts with the above is suspended. (41 Stat. 765; 10 U.S.C. 42) [Cir. 112, W.D., April 15, 1942]

* * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3782; Filed, April 28, 1942; 1:21 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 5139]

Subchapter C—Miscellaneous Excise Taxes

PART 178—PRODUCTION, FORTIFICATION, TAX PAYMENT, ETC., OF WINE

REGULATIONS NO. 7 AMENDED

1. The Act of April 8, 1942 (Public Law 519, 77th Congress), provides in part as follows:

That section 2901 of the Internal Revenue Code, as amended, is amended to read as follows:

SEC. 2901. *Loss Allowances.*

(b) *Loss*. The Commissioner of Internal Revenue may, under regulations to be prescribed by him and approved by the Secretary of the Treasury, abate any internal-revenue taxes accruing on distilled spirits if he shall find that—

(4) The distilled spirits were withdrawn for use in the fortification of sweet wines

¹ 6 F.R. 2897, 3715, 6348, 6785.

¹ § 71.22 is amended.

and were not stolen or intentionally destroyed but were lost, otherwise than by leakage or evaporation, prior to such use while being transferred to, or while stored in, the fortifying room on the bonded winery premises.

(7) The distilled spirits were withdrawn for use in the fortification of sweet wines and were lost by theft prior to such use while being transferred to, or while stored in, the fortifying room on the bonded winery premises, and that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(8) The distilled spirits were unfit for use for beverage purposes and were voluntarily destroyed by the distiller, the warehouseman, or the proprietor of the bonded winery premises, pursuant to the written permission of the Commissioner in each case and under regulations which the Commissioner, with the approval of the Secretary, is hereby authorized to promulgate.

(c) *Refund of tax.* When, in any case to which subsection (a) or (b) applies, the tax is paid subsequent to the loss or destruction, as the case may be, of the spirits, the Commissioner may, under regulations prescribed by him with the approval of the Secretary, refund such tax.

(d) *Insurance coverage.* The abatement or refund of taxes provided for by subsections (b) and (c) shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

Sec. 2, Section 2901 (a), (b), (c), and (d), as amended by this Act, shall apply to any claim for taxes which may accrue after the date of enactment of this Act. Claims for taxes or tax penalties that accrued on or before the date of enactment of this Act shall be subject to section 2901 of the Internal Revenue Code as it existed prior to its amendment by this Act. Nothing in section 2901, as hereby amended, shall be construed as in any manner limiting or restricting the provisions of part II, subchapter C, chapter 26, of the Internal Revenue Code.

2. Pursuant to the above provisions of law and sections 3031 (b), 3170, and 3176, Internal Revenue Code, Regulations No. 7 (25 CFR, Part 178) are amended in these respects:

3. Sections 178.296a, 178.296b, 178.298, and 178.299 (paragraphs 296a, 296b, 298, and 299) are revoked.

4. Sections 178.291, 178.293, 178.295, 178.296, 178.297, 178.300, and 178.301 (paragraphs 291, 293, 295, 296, 297, 300 and 301) are amended to read as follows:

§ 178.291 *Losses.* Each day wines are fortified the officer will also enter on Form 276 the information called for on that form as indicated by the headings of the various columns and lines and the instructions printed on the form. Where losses have been sustained, the officer will show the serial numbers of the packages involved, the quantity lost from each package, and the apparent reason for the loss. Losses from storage tanks will be determined at the end of the month during which wines are fortified or upon completion of fortification for the month as provided in § 178.296. At the close of the month or upon completion of fortification for the month, the officer will complete the form, retain one copy at the winery as a permanent record, and forward the other two copies to the

district supervisor, who will transmit one copy to the Commissioner with the brandy account, Form 290.

§ 178.293 *Losses indicating tampering.* Where the officer's gauge indicates that a package may have been tampered with, as where a material deficiency is found and there is no evidence of loss by leakage or accident or where deterioration in proof not accountable for by variation in gauge is disclosed, the officer will immediately notify the district supervisor of all the facts in the case and will not permit the package to be used until he is instructed to do so by the district supervisor.

§ 178.295 *Losses in transit—(a) By theft.* The tax on brandy and fruit spirits withdrawn for use in the fortification of sweet wines and lost by theft prior to such use, while being transferred to the fortifying room on bonded winery premises, without connivance, collusion, fraud, or negligence on the part of the distiller, owner, consignor, consignee, bailee or carrier, or the employees of any of them, may be remitted to the extent that the claimant is not indemnified against or recompensed for such loss.

(b) *Except by theft.* The tax on brandy and fruit spirits withdrawn for use in the fortification of sweet wines and not stolen or intentionally destroyed but are lost, otherwise than by leakage or evaporation, prior to such use, while being transferred to the fortifying room on bonded winery premises, may be remitted to the extent that the claimant is not indemnified against or recompensed for such loss.

§ 178.296 *Losses in fortifying room—(a) By theft.* The tax on brandy and fruit spirits which were withdrawn for use in the fortification of sweet wines and were lost by theft prior to such use while in the fortifying room on bonded winery premises, and such loss did not occur as the result of connivance, collusion, fraud or negligence on the part of the distiller or the owner, or the employees of either of them, may be remitted to the extent that the claimant is not indemnified against or recompensed for the tax on such loss.

(b) *Except by theft, or leakage or evaporation.* The tax on brandy and fruit spirits withdrawn for the fortification of sweet wines and not stolen or intentionally destroyed but are lost by accident or otherwise than by leakage or evaporation, while stored in the fortifying room on bonded winery premises, may be remitted to the extent that the claimant is not indemnified against or recompensed for such loss.

(c) *By leakage and evaporation.* The tax on brandy and fruit spirits withdrawn for use in the fortification of sweet wine and lost by leakage or evaporation while in the fortifying room on bonded winery premises without negligence, connivance, collusion or fraud on the part of the winemaker or his agents, may be remitted to the extent that the winemaker is not indemnified against or recompensed for such loss.

(d) *Determination of losses by leakage or evaporation from storage tanks.* The quantity of brandy or fruit spirits lost by leakage or evaporation from

storage tanks in the fortifying room of a bonded winery shall be determined and reported at the end of the month during which wines are fortified or upon completion of fortification for the month. The extent of the loss shall be established by comparison of the quantity shown by actual inventory with the quantity shown by the records of the winery as remaining in storage at the end of the month or upon completion of fortification for the month, as the case may be. Losses occurring at any time when an officer is not present shall be reported immediately upon discovery to the district supervisor.

(e) *Losses allowable without claim.* Where the loss of brandy or fruit spirits by leakage or evaporation in the fortifying room of a bonded winery since the date of the last previous determination of such loss does not exceed one per cent of the quantity used for the fortification of wine during the subsequent month in which wines are fortified or up to the time of completion of fortification for such month, claim for the allowance of the loss will not be required provided there are no circumstances indicating that such loss occurred as a result of any negligence, connivance, collusion or fraud on the part of the winemaker or his agents. The allowance of not to exceed one per cent of the quantity used as above provided shall not be cumulative. Such allowance of one per cent shall apply to the losses ascertained at the end of the month or upon completion of the fortification for the month, as the case may be.

§ 178.297 *Claims for losses—(a) Form of claims.* Forms have not been prescribed for use in presenting claims for remission of tax. Such claims shall be made on legal or letter size paper, in duplicate, and shall set forth, under oath, the following information:

(1) The name of the fruit distiller who produced the brandy or fruit spirits and the registry number and location of the distillery.

(2) The serial numbers of the packages or other containers from which the spirits were lost. In the case of tank cars, the car numbers will be stated.

(3) The quantities of brandy or fruit spirits lost from each package or other container and the total quantity of such spirits covered by the claim.

(4) The total amount of tax for which the claim is filed.

(5) The date of the loss or if such date is not known, the date on which the loss was discovered and the cause and nature thereof, together with all the facts surrounding the loss.

(6) The name of the carrier, if any.

(7) Whether the loss was due to theft, accident, leakage, evaporation, or otherwise.

(8) If lost by theft, whether the loss occurred as the result of any negligence, connivance, collusion or fraud on the part of the distiller, owner, consignor, consignee, bailee or carrier, or the employees of any of them.

(9) If lost by leakage or evaporation while in the fortifying room, whether the loss occurred without negligence, con-

nivance, collusion or fraud on the part of the winemaker or his agents.

(10) Whether the claimant is indemnified or recompensed for the loss, and if so, the amount and nature of such indemnity or recompense. The actual value of the spirits, less the tax, must be stated, explicitly and certified copies of all policies of insurance or other documents of indemnity covering the spirits, must be furnished.

(b) *Supporting documents.* Claims for remission of tax on brandy and fruit spirits lost while being transferred to the fortifying room on the bonded winery premises shall, if the transfer was made by carrier, be supported whenever possible by a copy of the bill of lading and statements of the agents of the carrier having personal knowledge of the loss. Claims covering losses in the fortifying room of the bonded winery must be supported by affidavits of persons having personal knowledge of the loss.

(c) *Filing of claims.* Claims for the remission of tax on spirits will be required, except as provided in § 178.296 (e), and will be filed with the supervisor of the district in which the bonded winery is located. Claims covering losses in transit to a bonded winery will be filed with the supervisor of the district in which the receiving winery is located. Such claims should be filed within thirty days after the loss is discovered, except that claims for the allowance of loss by leakage or evaporation in the fortifying room must be filed within 10 days after the end of the month during which the loss is discovered.

§ 178.300 *Report of losses.* Losses of brandy and fruits spirits by theft, accident or otherwise than by leakage or evaporation, must be reported to the district supervisor by the winemaker or other persons concerned immediately after the losses are discovered. Where losses of brandy and fruit spirits occur while in transit and are ascertained by an officer at the time of receipt at the bonded winery, or where losses occur while in the fortifying room of the bonded winery and are ascertained while an officer is on duty, he will immediately gauge the contents of the package or other approved container, and prepare Form 1520 in quadruplicate. The officer will prepare a letter report in triplicate to the district supervisor setting forth the nature, cause and extent of the loss in sufficient detail to bring out all the known material facts and circumstances. The condition of each package or other container from which the loss has been sustained, and the quantity lost therefrom, should be stated in such report. The officer will forward two copies of Form 1520 and two copies of the letter report to the district supervisor, deliver one copy of Form 1520 to the winemaker, and retain one copy of Form 1520 and the letter report for his files.

§ 178.301 *Investigation by district supervisor.* Where large losses by theft, accident or other causes are reported, the district supervisor will make such investigation and require such evidence to be submitted as he may deem necessary and will advise the Commissioner of his

findings and recommendations relative to remission of the tax on the brandy or fruit spirits.

5. The following new §§ 178.373, 178.374, 178.375, 178.376, 178.377, and 178.378, are added:

VOLUNTARY DESTRUCTION OF BRANDY AND FRUIT SPIRITS

§ 178.373 *General.* Brandy and fruit spirits in the fortifying room of a bonded winery which are found by the Commissioner to be unfit for use for beverage purposes may be voluntarily destroyed without payment of tax by the winemaker in accordance with the procedure hereinafter set forth.

§ 178.374 *Application.* The winemaker will make written application to the district supervisor of the district in which the bonded winery is located for permission to destroy such brandy or fruit spirits. The application shall specify the kind and approximate quantity in wine gallons and proof gallons of the brandy or fruit spirits; the name, address, and registered distillery number of the distiller who produced such spirits; the date of production or transfer of such spirits to the winery premises; the serial numbers of the barrels or tanks in which such spirits are stored; and a statement showing the condition of the spirits which render them unfit for beverage purposes.

§ 178.375 *Action by supervisor.* Upon receipt of such application, the district supervisor will require an inspection to be made of the brandy or fruit spirits by the storekeeper-gauger to determine the correctness of the application and to procure a sample from each barrel or tank for submission to the district chemist for analysis to determine whether such spirits are unfit for beverage purposes. Each sample shall consist of one pint, or if deemed advisable, one quart. The bottle containing the sample will be labeled in such a manner as will readily identify the spirits. The samples will be forwarded to the district chemist at the expense of the winemaker. The district chemist will analyze the samples and furnish a report of such analysis to the district supervisor. The unused portion of the sample will be retained by the district chemist for further examination, if necessary. The district supervisor will forward the application of the winemaker, a copy of the storekeeper-gauger's report, and a copy of the district chemist's report of analysis to the Commissioner with his recommendation.

§ 178.376 *Action by Commissioner—*
(a) *Unfit for beverage purposes.* If the Commissioner finds that the brandy or fruit spirits are unfit for beverage purposes, he will authorize the district supervisor to permit such spirits to be destroyed by the winemaker under the supervision of the storekeeper-gauger.

(b) *Fit for beverage purposes.* If the Commissioner finds that the spirits are fit for beverage purposes, he will disapprove the application and notify the district supervisor of such disapproval. The district supervisor will thereupon inform the winemaker that the spirits have been determined to be fit for bev-

erage purposes and that they may not be destroyed without payment of tax.

§ 178.377 *Destruction—*(a) *Regauge.* Brandy or fruit spirits authorized to be destroyed will be regauged by the storekeeper-gauger and reported for that purpose on Form 1520, in quadruplicate. Following such regauge and payment of tax on any deficiencies as hereinafter set forth, the spirits may be destroyed under the immediate supervision of the storekeeper-gauger by running the same into the sewer or by other suitable means. The storekeeper-gauger will then certify to such destruction on Form 1520, furnish one copy of the form to the winemaker, retain one copy for his files, and forward one copy to the district supervisor. He will take appropriate credit for the spirits so destroyed at a special line in Part 5 of Form 276. The district supervisor will take appropriate credit for the spirits so destroyed at special lines in Parts 4 and 5 of Form 290.

(b) *Taxpayment of losses.* If the regauge discloses losses other than those allowable by these regulations, such losses must be taxpaid prior to destruction of the spirits. If the losses disclosed by the regauge are such as to require the filing of a claim for remission of tax thereon, such claim must be filed with the district supervisor prior to destruction of the spirits. Where the losses must be taxpaid, the Form 1520, in quadruplicate, will be submitted to the collector, accompanied by the winemaker's remittance of the tax. Upon collection of the tax, the collector will certify the taxpayment on the four copies of Form 1520, retain one copy of the form, and forward three copies of the form to the winemaker. The collector will list the item on his current distilled spirits tax list. The winemaker will return to the storekeeper-gauger the three copies of Form 1520 received from the collector for disposition in accordance with § 178.377 (a).

§ 178.378 *Prior losses.* Any claims for remission or refund of the tax on spirits lost prior to April 9, 1942, shall, where applicable, be subject to the provisions of section 2901 of the Internal Revenue Code and of these regulations as they existed prior to that date.

GUY T. HELVERING,

Commissioner of Internal Revenue.

Approved: April 27, 1942.

JOHN L. SULLIVAN,

Acting Secretary of the Treasury.

[F. R. Doc. 42-3832; Filed, April 28, 1942; 3:17 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 962—IRON AND STEEL

AMENDMENT NO. 4 TO GENERAL PREFERENCE ORDER M-21

Paragraph (c) of § 962.1, *General Preference Order M-21*,¹ is hereby amended to read as follows, effective immediately:

¹ 6 F.R. 4005, 4730, 5994, 6144; 7 F.R. 2902.

(c) *Purchasers' statements.* (1) The filing of form PD-73 is not required with orders for steel for delivery on or after June 1, 1942, or with orders for iron products. On orders for steel for delivery on or before May 31, 1942, form PD-73 shall be filed as heretofore.

(2) Except as permitted by this paragraph (c), on and after June 1, 1942, no producer shall accept an order for steel or iron products from or deliver steel or iron products to any person unless such person has endorsed on his purchase order a statement in the following form, signed by an official duly authorized for such purpose, specifying the name of the appropriate group classification as described in Schedule A hereto, and no purchase order shall include material for more than a single group classification:

The undersigned certifies to the producer and to the War Production Board that the material ordered herein is to fill orders in group classification _____

Name of Purchaser

Authorized Official

Title

(3) Except for orders in group classifications, lend-lease, other export, and warehouse, on orders placed on or before May 31, 1942, with deliveries to be made after that date, a Purchaser's statement in the above form must be filed with the Producer on or before May 31, 1942, together with a description of the purchase orders to which each such statement applies.

(4) On export sales (except lend-lease sales and sales to purchasers in the Dominion of Canada) the purchaser's statement may be furnished by the accredited agent of the purchaser or by the export division of the producer.

(5) On shipments by a producer direct to the customer of a warehouse the purchaser's statement shall be furnished to the producer by the customer and not by the warehouse. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3826; Filed, April 28, 1942;
4:15 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-44—EVERETT SALES AND EQUIPMENT CORP.

Everett Sales and Equipment Corporation of New York, New York, is a manufacturer of cellophane products. It is subject to the provisions of Limitation Order L-20.¹ Subsequent to November 8, 1941, the Company used large quantities of cellophane in the manufacture of products, which were delivered by the

Company with knowledge that they would be used for packaging materials which could not be packaged in cellophane under the restrictions of Limitation Order L-20.

These violations of Limitation Order L-20 have impeded and hampered the war effort of the United States by diverting cellophane to uses unauthorized by the Director of Industry Operations. In view of the foregoing facts,
It is hereby ordered:

§ 1010.44 *Suspension Order S-44.* (a) Everett Sales and Equipment Corporation of New York, New York, its successors and assigns, shall accept no deliveries from any source of cellophane or similar transparent material derived from cellulose, except as specifically authorized by the Director of Industry Operations.

(b) Beginning 10 days after the effective date of this Order and during the remainder of the period in which the Order shall be in effect, Everett Sales and Equipment Corporation, its successors and assigns, shall not cut or process any cellophane or similar transparent material derived from cellulose, except as specifically authorized by the Director of Industry Operations.

(c) Everett Sales and Equipment Corporation of New York, New York, its successors and assigns, shall make no deliveries of cellophane or similar transparent material derived from cellulose, or any product of which cellophane or any similar transparent material derived from cellulose is a part, except as specifically authorized by the Director of Industry Operations.

(d) No person shall deliver to or receive from Everett Sales and Equipment Corporation, its successors and assigns, any cellophane or similar transparent material derived from cellulose, or any product of which cellophane or any similar transparent material derived from cellulose is a part, except as specifically authorized by the Director of Industry Operations.

(e) Deliveries of material to Everett Sales and Equipment Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Everett Sales and Equipment Corporation by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders or any other orders or regulations of the Director of Industry Operations, except as specifically authorized by the Director of Industry Operations.

(f) No allocation shall be made to Everett Sales and Equipment Corporation, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations, except as specifically authorized by the Director of Industry Operations.

(g) Nothing contained in this Order shall be deemed to relieve Everett Sales and Equipment Corporation from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations.

(h) This Order shall take effect on April 30, 1942, and shall expire on May

31, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 529; Sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3825; Filed, April 23, 1942;
4:15 p. m.]

PART 1152—METAL WINDOWS

AMENDMENT NO. 1 TO LIMITATION ORDER L-77¹

Paragraph (b) of § 1152.1 (*Limitation Order L-77*) is hereby amended to read as follows:

(b) *Restrictions.* (1) On and after the date of issuance of this Order, notwithstanding any contract or agreement to the contrary, no person shall manufacture any metal window, except that:

(i) any person may manufacture any metal window pursuant to an order or contract which bears a preference rating better than A-2,

(ii) through May 15, 1942, any person may manufacture any metal window pursuant to an order received or a contractual engagement made by him on or before March 25, 1942, when such window is manufactured for use in a project to which a preference rating has been assigned, regardless of whether or not such rating has been extended to the order or contract for the purchase of the metal window, and

(iii) any person may manufacture any metal window which is composed wholly of Material which was in his inventory prior to March 25, 1942, and which is manufactured for use in a project to which a preference rating has been assigned by Preference Rating Order No. P-19-d, No. P-55, or No. P-110, regardless of whether or not the preference rating has been extended to the order or contract for the purchase of the Metal Window.

(2) After May 1, 1942, notwithstanding any contract or agreement to the contrary, no person shall take delivery of any material for manufacture into any metal window except deliveries which are made pursuant to an order or contract which bears a preference rating assigned under the production requirements plan.

(3) On and after the date of issuance of this Order, notwithstanding any contract or agreement to the contrary, no manufacturer or distributor shall sell or deliver any metal window to any other person except that:

(i) any manufacturer or distributor may sell and deliver any metal window pursuant to an order or contract which bears a preference rating of A-10, or better,

(ii) through May 31, 1942, any manufacturer or distributor may sell and deliver any metal window pursuant to an order received or a contractual engagement made on or before March 25, 1942, when such window is for use in a proj-

¹ 6 F.R. 5730; 7 F.R. 222, 1023, 2151.

ect to which a preference rating has been assigned, regardless of whether or not such rating has been extended to the order or contract for the purchase of the metal window,

(iii) any manufacturer or distributor may sell and deliver any metal window for use in a project to which a preference rating has been assigned by Preference Rating Order P-19-d, P-55, or P-110, regardless of whether or not the preference rating has been extended to the order or contract for the purchase of the metal window, and

(iv) any manufacturer or distributor may sell and deliver any metal window to any other manufacturer or distributor. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 28th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3827; Filed, April 28, 1942;
4:15 p. m.]

PART 1188—RAILROAD EQUIPMENT

AMENDMENT NO. 1 TO GENERAL LIMITATION ORDER L-97

Paragraph (b) (3) of § 1188.1 (General Limitation Order L-97,¹ issued April 4, 1942) is hereby amended to read as follows:

(3) "Locomotives" means all types of locomotives, including but not limited to steam, electric, diesel, diesel-electric, gasoline and gasoline-electric locomotives. This definition does not include locomotives used underground in such places as coal, metal, gypsum and salt mines, or other locomotives of less than 20 tons which are used by mining companies in mining operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Order shall take effect immediately. Issued this 29th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3881; Filed, April 29, 1942;
11:43 a. m.]

PART 1188—RAILROAD EQUIPMENT

SUPPLEMENTARY GENERAL LIMITATION ORDER L-97-A-1

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other materials for defense, private account and for export; the freight car building industry has on hand diversified inventories of materials not in balance among individual producers; it is desirable that such inventories be consumed in producing the limited number of freight cars still to be

produced; and the following Order, supplementing General Limitation Order L-97-a (issued April 4, 1942) is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1188.3 *Supplementary General Limitation Order L-97-a-1.* (a) This Order supplements General Limitation Order L-97-a and is subject to the provisions of that Order as amended from time to time.

(b) On and after the effective date of this Order no producer shall accept delivery of any material ordered to produce cars and not in transit to such producer on that date, to which delivery there has been applied a preference rating of A-2 or lower assigned under Preference Order P-8 (notwithstanding paragraph (f) thereof), Preference Rating Order P-90 (Form PD-25A) or any certificate or order issued pursuant to PD-1 or PD-1A applications.

(c) Notwithstanding Section 944.11 (Use of Material Obtained under Allocation or Preference Rating) of Priorities Regulation No. 1 as amended, any producer may sell to another producer or to a railroad any material on hand or in transit to such producer on the effective date of this Order which material was obtained under a preference rating for the repair or construction of cars.

(d) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 29th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3862; Filed, April 29, 1942;
11:43 a. m.]

PART 1200—PROTECTIVE HELMETS

GENERAL LIMITATION ORDER NO. L-105

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials entering into the production of Protective Helmets for the war effort, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 1200.1 *General Limitation Order L-105—(a) Definition.* For the purposes of this Order:

(1) "Protective Helmet" means any helmet or head covering which is represented or intended as useful for protection to civilians against air raids or other war hazards, but shall not include any helmet or head covering for industrial, official police or fire department, or non-war hazard use, and which is not represented as useful for civilian protection against air raids or other war hazards.

(b) *General restrictions.* From the effective date of this Order, no person shall manufacture, continue or complete the manufacture of, or sell, deliver, purchase, or accept delivery of, any Protective Helmet, or part or component

thereof, except when produced under contract with, or purchase order from, the Office of Civilian Defense or other Agency of the United States Government, or the government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire; Belgium; China; Greece; the Kingdom of the Netherlands; Norway; Poland; Russia and Yugoslavia.

(c) *Application of Priorities Regulation No. 1.* This Order and all transactions affected hereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(d) *Reports.* All persons affected by this Order shall execute and file such reports and questionnaires as the War Production Board shall, from time to time, prescribe.

(e) *Records.* All persons affected by this Order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Violations and false statements.* Any violation of this Order is a criminal offense. In addition, any person who violates this Order, or who by any act or omission falsifies any records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him or would disrupt or impair a program of conversion from non-war to war work, may appeal to the War Production Board, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications.* All reports required to be filed hereunder and communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Safety and Technical Equipment Branch, Washington, D. C. Ref.: L-105.

(j) *Effective date.* This Order shall take effect on the date of its issuance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 29th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3863; Filed, April 29, 1942;
11:43 a. m.]

¹ 7 F.R. 2628.

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

GENERAL MAXIMUM PRICE REGULATION

FINDINGS OF THE PRICE ADMINISTRATOR

Maximum Prices

- Sec.
1499.1 Prohibition against dealing in commodities or services above maximum prices.
1499.2 Maximum prices for commodities and services; general provisions.
1499.3 Maximum prices for commodities which cannot be priced under § 1499.2.
1499.4 Supplemental regulations.
1499.5 Transfers of business or stock in trade.
1499.6 Sales for export.
1499.7 Federal and State taxes.
1499.8 Less than maximum prices.

Commodities and Services Excepted From This Regulation

- 1499.9 Commodities excepted from this regulation.
1499.10 Services excepted from this regulation.

Records

- 1499.11 Base-period records.
1499.12 Current records.
1499.13 Maximum prices of cost-of-living commodities; statement, marking or posting.
1499.14 Sales slips and receipts.

Registration and Enforcement

- 1499.15 Registration.
1499.16 Licensing.
1499.17 Penalties.

Procedure for Adjustment or Amendment

- 1499.18 Applications for adjustment by retail sellers.
1499.19 Petitions for amendment.

Definitions and Explanations

- 1499.20 Definitions and explanations.

Other Price Regulations, Applicability, Effective Date

- 1499.21 Effect of other price regulations.
1499.22 Applicability.
1499.23 Effective date.
1499.24 Appendix A. Report of maximum price determined under § 1499.3 (a).
1499.25 Appendix B. Commodities designated by the Price Administrator as cost-of-living commodities.

Findings of the Price Administrator

In the judgment of the Price Administrator the prices of commodities and services generally have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942.

In the judgment of the Price Administrator the maximum prices established by this General Maximum Price Regulation, which apply with certain exceptions to all commodities and services not otherwise subject to regulation, are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act.

So far as practicable the Price Administrator gave due consideration to prices prevailing between October 1 and 15, 1941, and to relevant factors of gen-

eral applicability. So far as practicable the Price Administrator consulted with representatives of trade and industry.

A statement of the considerations involved in the issuance of this General Maximum Price Regulation is issued simultaneously herewith.¹

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, this General Maximum Price Regulation is hereby issued.

Maximum Prices

NOTE: The meaning of certain provisions and terms of this General Maximum Price Regulation is further explained and defined in § 1499.20. The explanations and definitions are set forth in alphabetical order. The terms explained and defined are underlined the first time they appear in the text.

§ 1499.1 *Prohibition against dealing in commodities or services above maximum prices.* On and after the effective date of this General Maximum Price Regulation, regardless of any contract or other obligation:

(a) No person shall sell or deliver any commodity, and no person shall sell or supply any service, at a price higher than the maximum price permitted by this General Maximum Price Regulation; and

(b) No person in the course of trade or business shall buy or receive any commodity or service at a price higher than the maximum price permitted by this General Maximum Price Regulation.

§ 1499.2 *Maximum prices for commodities and services: General provisions.* Except as otherwise provided in this General Maximum Price Regulation, the seller's maximum price for any commodity or service shall be:

(a) *In those cases in which the seller dealt in the same or similar commodities or services during March 1942:*

The highest price charged by the seller during such month—

(1) For the same commodity or service; or

(2) If no charge was made for the same commodity or service, for the similar commodity or service, most nearly like it; or

(b) *In those cases in which the seller did not deal in the same or similar commodities or services during March 1942:*

The highest price charged during such month by the most closely competitive seller of the same class—

(1) For the same commodity or service; or

(2) If no charge was made for the same commodity or service, for the similar commodity or service most nearly like it.

"Highest Price Charged During March 1942"

For the purposes of this General Maximum Price Regulation, the highest price charged by a seller "during March 1942" shall be:

¹Filed with the Division of the Federal Register.

(a) The highest price which the seller charged for a commodity delivered or service supplied by him during March 1942; or

(b) If the seller made no such delivery or supplied no such service during March 1942 his highest offering price for delivery or supply during that month.

No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. The "highest price charged" shall be a price charged during March 1942 to a purchaser of the same class. But if during March 1942 a seller (1) had an established practice of making allowances, discounts or price differentials to different classes of purchasers, and (2) raised his general level of prices, but thereafter during March 1942 made no delivery to any purchaser of a particular class he shall, for that particular class of purchasers calculate the highest price charged by taking the highest price charged during March 1942 to a purchaser of another class and then adjusting such price to reflect his established allowances, discounts and price differentials. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any commodity or service, than the seller required purchasers of the same class to pay during March 1942 on deliveries or supplies of the same or similar types of commodities or services.

"Similar Commodities or Services"

One commodity shall be deemed "similar" to another commodity, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such commodities, differences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account. One service shall be deemed "similar" to another service if the first has the same use and purpose as the second and belongs to a type which would ordinarily be sold for the same or substantially the same price.

§ 1499.3 *Maximum prices for commodities which cannot be priced under § 1499.2.* The seller's maximum price for a commodity which cannot be priced under § 1499.2 of this General Maximum Price Regulation shall be a maximum price in line with the level of maximum prices established by this General Maximum Price Regulation. Such price shall be determined by the seller in accordance with the following procedures:

(a) *Sales at wholesale or retail.* In the case of a sale at wholesale or retail, the seller (1) shall select from the same general classification and price range as the commodity being priced under this section, the comparable commodity for which a maximum price is established under § 1499.2 of this General Maximum

Price Regulation and of which the seller delivered the largest number of units during March 1942; (2) shall divide his maximum price for that commodity by his replacement cost of that commodity; and (3) shall multiply the percentage so obtained by the cost to him of the commodity being priced under this paragraph. The resulting figure shall be the maximum price of the commodity being priced. Within ten days after determining such maximum price under this paragraph, the seller shall report such price to the appropriate field office of Price Administration upon a form, duly filled out and signed under oath or affirmation, copied from the form contained in § 1499.24, Appendix A, of this General Maximum Price Regulation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(b) *Sales other than at wholesale or retail.* In the case of a sale other than at wholesale or retail, the maximum price shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration in Washington, D. C., an application setting forth (1) a description in detail of the commodity for which a maximum price is sought; and (2) a statement of the facts which differentiate such commodity from other commodities delivered during March 1942 by such seller and by other competitive sellers of the same class. If such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the seller shall report the price to the Office of Price Administration in Washington, D. C., upon a form, duly filled out and signed under oath or affirmation, which will be furnished him. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

§ 1499.4 *Supplemental regulations.* If the maximum prices established for any commodity under the provisions of this General Maximum Price Regulation fall equitably to distribute returns from the sale at retail of such commodity among producers, manufacturers, wholesalers and retailers, the Price Administrator will by supplementary regulation establish such maximum prices for different classes of sellers, or fix such base periods for the determination of their maximum prices, as will insure that each such class of sellers shall receive a fair share of such return.

§ 1499.5 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the trans-

feree shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this General Maximum Price Regulation.

§ 1499.6 *Sales for export.* The maximum price at which a person may export any commodity shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

§ 1499.7 *Federal and State taxes.* Any tax upon the sale of a commodity or service, and any compensating use tax upon a commodity, levied by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity or service and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during March 1942.* (1) If the seller customarily stated and collected such tax separately from the purchase price during March 1942, the seller shall not include the tax in determining the maximum price under this General Maximum Price Regulation, and in such case may collect the tax in addition to the maximum price.

(2) If the seller did not customarily state and collect such tax separately from the purchase price during March 1942, the seller shall include the tax in determining the maximum price under this General Maximum Price Regulation, and in such case may not collect the tax in addition to the maximum price.

(b) *As to a tax which becomes effective after March 31, 1942.* If the statute or ordinance levying such tax requires or permits the seller to state and collect the tax separately from the price paid by the purchaser, and the seller does separately state it, the seller may collect the tax in addition to the maximum price.

§ 1499.8 *Less than maximum prices.* Lower prices than those established by this General Maximum Price Regulation may be charged, demanded, paid or offered.

Commodities and Services Excepted From This General Maximum Price Regulation

§ 1499.9 *Commodities excepted from this General Maximum Price Regulation.*

(a) This General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities:

(1) Any raw and unprocessed agricultural commodity or greenhouse commodity while it remains in substantially its original state, except that bananas shall be governed by this General Maximum Price Regulation.

(2) Eggs and poultry.

(3) All milk products, including butter, cheese, condensed and evaporated milk, except that fluid milk sold at retail, cream sold at retail, and ice cream shall be governed by this General Maximum Price Regulation.

(4) Flour, except that packaged cake mixes and other packaged flour mixes shall be governed by this General Maximum Price Regulation.

(5) Mutton and lamb.

(6) Fresh fish and seafood, and game.

(7) Dried prunes, dry edible beans, leaf tobacco (whether dried or green), nuts (but not peanuts), linseed oil, linseed cake and linseed meal, mixed feed for animals, and manure.

(8) Living animals, whether wild or domestic.

(9) Books, magazines, motion pictures, periodicals, newspapers, and materials furnished for publication by any press association or feature service.

(10) Domestic ores and ore concentrates.

(11) Stumpage, logs, and pulpwood.

(12) Stamps and coins; precious stones; antiques and knotted oriental rugs; paintings, etchings, sculptures and other objects of art.

(13) Used automobiles.

(14) Wood and gum for naval stores, and naval stores prior to sale to industrial consumers, or prior to the first sale to a distributor: *Provided, however,* That this General Maximum Price Regulation shall apply to all sales of such commodities on any exchange.

(15) Securities.

(16) Such other commodities as may be specified by supplementary regulations issued under this section.

(b) This General Maximum Price Regulation shall not apply to the following sales or deliveries:

(1) By a farmer, of commodities grown and processed on his farm, if the total of such sales or deliveries does not exceed \$75.00 in any one calendar month.

(2) By any merchant, farmer, artisan, or person who renders professional services, of his used supplies, or business, farm, or professional equipment, not acquired or produced by him for the purpose of sale.

(3) By an owner, of his used personal or household effects or other personal property used by him.

(4) At a bona fide auction of used household or personal effects.

(5) By hotels, restaurants, soda fountains, bars, cafes, or other similar establishments, of food or beverages prepared and sold for consumption on the premises.

(6) By a breeder, trapper, or hunter, of pelts, furs, or other parts of wild animals raised by him, or trapped, shot, or killed by him, if the total of such sales or deliveries does not exceed \$75.00 in any one calendar month.

(7) Of commodities sold without private profit in the course of any sale, fair, or bazaar conducted for a period of not more than 15 days by any religious, charitable, or philanthropic organization.

(8) To the United States or any agency thereof of such commodities or in such transactions as may be specified by supplementary regulations issued under this section.

(9) Such other sales and deliveries as may be specified by supplementary regulations issued under this section.

§ 1499.10 *Services excepted from this General Maximum Price Regulation.* The provisions of this General Maximum Price Regulation shall not apply to the following services:

(a) Services of an employee to his employer.

(b) Personal services not rendered in connection with a commodity.

(c) Professional services.

(d) Motion pictures, theatres and other entertainments.

(e) Services of a common carrier or public utility.

(f) Advertising services, including radio broadcasting.

(g) Insurance and underwriting services.

(h) Press association and feature services.

(i) Services relating solely to real property.

(j) Such other services as may be specified by supplementary regulations issued under this section.

Records

§ 1499.11 *Base-period records.* Every person selling commodities or services for which, upon sale by that person, maximum prices are established by this General Maximum Price Regulation, shall:

(a) Preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for such of those commodities or services as he delivered or supplied during March 1942, and his offering prices for delivery or supply of such commodities or services during such month; and

(b) Prepare, on or before July 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(1) The highest prices which he charged for such of those commodities or services as he delivered or supplied during March 1942 and his offering prices for delivery or supply of such commodities or services during such month, together with an appropriate description or identification of each such commodity or service; and

(2) All his customary allowances, discounts, and other price differentials.

Any person, other than a person selling at retail, who claims that substantial injury would result to him from making such statement available to any other person, may file it with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the

withholding of such information is contrary to the purposes of this General Maximum Price Regulation.

§ 1499.12 *Current records.* Every person selling commodities or services for which, upon sale by that person, maximum prices are established by this General Maximum Price Regulation shall keep, and make available for examination by the Office of Price Administration, records of the same kind as he has customarily kept, relating to the prices which he charged for such of those commodities or services as he sold after the effective date of this General Maximum Price Regulation; and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices for those commodities or services.

§ 1499.13 *Maximum prices of cost-of-living commodities; statement, marking or posting.* For the purposes of this section, a cost-of-living commodity is any commodity designated as such by the Price Administrator. A list of the classes of commodities so designated appears in § 1499.25, Appendix B, of this General Maximum Price Regulation.

(a) On and after May 18, 1942, every person offering to sell a cost-of-living commodity at retail shall mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public. The maximum price may be marked on the commodity itself or on the shelf, bin, rack, or other holder or container upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale. The maximum price shall be stated as follows: "Ceiling Price \$-----;" or "Our Ceiling \$-----". Any person choosing to post by price-lines the maximum prices of commodities in the classifications marked by asterisks in § 1500.25, Appendix B, shall post the maximum price by price-line at the place in the business establishment where the commodities in such price-line are offered for sale, and, in addition, shall mark the selling price of each such commodity on the commodity itself.

(b) On or before June 1, 1942, every person offering to sell cost-of-living commodities at retail shall file with the appropriate War Price and Rationing Board of the Office of Price Administration a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it. Such statement shall be kept up to date by such person by filing on the first day of every succeeding month a statement of his maximum price for any cost-of-living commodity newly offered for sale during the previous month, together with an appropriate description or identification of the commodity.

§ 1499.14 *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom,

shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

Registration and Enforcement

§ 1499.15 *Registration.* Every person selling at wholesale, and every person who owns, or hereafter becomes the owner of, any business operating an establishment selling at retail any commodity or service for which a maximum price is established by this General Maximum Price Regulation or by any other price regulation issued on or prior to April 28, 1942, by the Office of Price Administration shall register each such establishment with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe, on forms which will be made available by the Office of Price Administration.

§ 1499.16 *Licensing.* Every person selling at wholesale or retail any commodity or service for which a maximum price is established by this General Maximum Price Regulation or by any other price regulation issued on or prior to April 28, 1942, by the Office of Price Administration is by this General Maximum Price Regulation granted a license as a condition of selling any such commodity or service. Such license shall be effective on the effective date of this General Maximum Price Regulation or when any such person becomes subject to the maximum price provisions of this or any other price regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as such regulation, or any applicable part, amendment, or supplement remains in effect.

§ 1499.17 *Penalties.* Persons violating any provision of this General Maximum Price Regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

Procedure for Adjustment or Amendment

§ 1499.18 *Applications for adjustment by retail sellers.* (a) Any seller at retail who finds that the maximum price of a commodity or service established for him under the provisions of §§ 1499.2 or 1499.3 of this General Maximum Price Regulation is abnormally low in relation to the maximum prices of the same or similar commodities or services established for other sellers at retail, and that this abnormality subjects him to substantial hardship, may file an application for adjustment of that maximum price in accordance with procedural regulations which will be issued by the Office of Price Administration.

(b) Any seller at retail who finds that his maximum price for any commodity, and the maximum prices of other retail sellers for the same commodity are abnormally low in relation to the level of maximum prices established by this General Maximum Price Regulation for

wholesalers, manufacturers or producers of such commodity, and that this relationship subjects sellers at retail of such commodity generally to substantial hardship, should immediately communicate such information in writing to the Retail Trade and Services Division, Office of Price Administration, Washington, D. C., so that the Price Administrator may take appropriate action.

§ 1499.19 *Petitions for amendment.* Any person seeking a modification of any provision of this General Maximum Price Regulation, or an adjustment not provided for in § 1499.18 of this General Maximum Price Regulation, may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

Definitions and Explanations

§ 1499.20 *Definitions and explanations.* This General Maximum Price Regulation, and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

(a) "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the state office for the State) in which is located the seller's place of business from which his sales are made.

(b) "Appropriate War Price and Rationing Board" means the War Price and Rationing Board for the area in which is located the seller's place of business from which the cost-of-living commodities are offered for sale.

(c) "Commodity" includes commodities, articles, products, and materials and contracts to buy, sell, or deliver any of the foregoing, but does not include real property.

(d) "Delivered." A commodity shall be deemed to have been "delivered" during March 1942, if during such month it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(e) "Establishment" refers to the physical location of the store, shop, or other place of business in which commodities or services are sold. Any such establishment shall be deemed to be selling at retail if it has an established practice of making sales at retail.

(f) "Mixed feed" includes a mixture or blend of more than one feed ingredient for the purpose of feeding animals, except a mixed feed resulting from the blending or mixing of offal from a single grain.

(g) "Most closely competitive seller of the same class." "Seller of the same class" means a seller (1) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, installing, or repairing), (2) of similar type (for example, department store, mail order house, chain store, specialty shop, cut-rate store), (3) dealing in the same type of commodities or services, and (4) selling to the same class of purchaser. A seller's "most closely com-

petitive seller of the same class" shall be a seller of the same class who (i) is selling the same or a similar commodity, and (ii) is closely competitive in the sale of such commodities, and (iii) is located nearest to the seller.

(h) "Offering price" means the price quoted in the seller's price list, or, if he had no such price list, the price which he regularly quoted in any other manner, except that in the case of sales of commodities by an establishment selling at retail, the offering price shall be the price at which the commodity was offered for sale at the immediate point of sale (for example, the shelves or counters). But "offering price" shall not include a price intended to withhold a commodity or service from the market, or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

(i) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(j) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(k) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(l) "Raw and unprocessed agricultural commodity or greenhouse commodity." Commodities that are picked, harvested, threshed, ginned, husked, cleaned, baled, boxed, packed, transported, and/or refrigerated, without more, remain "raw and unprocessed". But operations such as slaughtering, freezing, drying, canning, preserving, milling, crushing, straining, centrifuging, shelling of peanuts, and purifying with heat, constitute processing for this purpose. For purposes of this General Maximum Price Regulation, flowers, seeds, and bulbs shall be agricultural or greenhouse commodities. Forest products, such as lumber and naval stores and mineral products, whether processed or unprocessed, shall not be deemed to be agricultural commodities.

(m) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(n) "Replacement cost" shall be the net price paid by the seller after May 18, 1942, or the net price which the seller

would have to pay to replace such commodity after such date.

(o) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user, except that for the purposes of § 1499.4 of this General Maximum Price Regulation a "sale at retail" shall not include any sale by a producer, manufacturer, or fabricator of any commodity produced, manufactured, or fabricated by him.

(p) "Sale at wholesale" means a sale by a person who receives delivery of a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer.

(q) "Securities" includes any note, stock, bond, and interest or instrument commonly known as a "security".

(r) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase" and "purchaser," shall be construed accordingly. Nothing in this General Maximum Price Regulation shall be construed to prohibit the making of a contract to sell a commodity or service at a price not to exceed the maximum price at the time of delivery or supply.

(s) "Seller" includes a seller of any commodity or service. Where a seller makes sales or supplies services through more than one selling unit, other than salesmen making sales at uniform prices, each separate place of business of the seller shall be deemed to be a separate seller, except that for the purposes of § 1499.16 of this General Maximum Price Regulation, the owner of the business shall be considered the seller regardless of the number of separate places of business he owns.

(t) "Service" includes any service rendered or supplied, otherwise than as an employee, in connection with the processing, distribution, storage, installation, repair, or negotiation of purchase or sale of a commodity, and generally, without limiting the foregoing, all services which reserve or add to the value or utility of a commodity.

(u) "Supplied." A service shall be deemed to have been "supplied" during March 1942, if during such month it was completed or in process.

Other Price Regulations, Applicability, Effective Date

§ 1499.21 *Effect of other price regulations.* This General Maximum Price Regulation shall not apply to any sale or delivery for which a maximum price is in effect, at the time of such sale or delivery, under the provisions of any other price regulation issued, or which may be issued, by the Office of Price Administration.

§ 1499.22 *Applicability.* The provisions of this General Maximum Price Regulation shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1499.23 *Effective date.* All the provisions of this General Maximum Price

Regulation shall become effective on May 11, 1942, except that:

(a) The provisions of this General Maximum Price Regulation, other than § 1499.11 (a), shall not apply to establishments selling at retail until May 18, 1942;

(b) The provisions of §§ 1499.1 and 1499.2 shall not apply to any sale of services at retail until July 1, 1942; and

(c) The provisions of § 1499.11 (a) shall become effective upon the date of issuance of this General Maximum Price Regulation.

Issued this 28th day of April 1942.

LEON HENDERSON,
Price Administrator.

§ 1499.24 Appendix A: General Maximum Price Regulation—Report of maximum price determined under § 1499.3 (a).

To: Office of Price Administration

From _____
Name _____

Address _____

The undersigned hereby reports its determination, made in accordance with § 1499.3 (a) of the General Maximum Price Regulation, of the maximum price for the commodity described in item 1 below.

1. Brief description of commodity for which a maximum price is reported: _____

2. Reasons why price could not be determined on the basis of a same or similar commodity dealt in by the undersigned or a competitive seller during March 1942: _____

3. (a) General classification in which the undersigned classes the commodity for which maximum price is reported. _____

(b) Name of comparable commodity in this general classification and price range of which the undersigned delivered the largest number of units during March 1942 (referred to herein as "comparable commodity") _____

4. The maximum price reported was determined from calculations A, B, and C below, in accordance with instructions printed in § 1499.24, Appendix A, of the General Maximum Price Regulation:

A. Comparable Commodity:

Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
Name	Unit of pricing	Replacement cost per unit	Maximum price per unit	Percentage (col. 4 divided by col. 3)
Example: Commodity X.....	Each	\$4.00	\$5.00	125

B. Cost per unit of commodity for which maximum price is reported. _____

C. Maximum price reported per unit. _____
(Item 4B multiplied by percentage, Item 4A, Col. 5)

I swear (or affirm) that to the best of my knowledge and belief, the above statements are true.

(Sign) _____

(Address) _____

Instructions

Section 1499.3 (a) of the General Maximum Price Regulation provides for the determination of a maximum price by a seller for commodities which cannot be priced under the provisions of § 1499.2. Any seller who has determined a maximum price under § 1499.3 (a) is required, within 10 days after such determination, to report such price to the appropriate field office of the Office of Price Administration.

The following instructions must be followed in completing this form:

Item 1. Name the commodity for which the price is reported; indicate its use, unit, size, package, etc.

Item 2. Indicate how commodity for which price is reported differs from other commodities sold by seller, or competitive sellers of the same class, during March 1942.

Item 3. (a) Insert general classification (food, hardware, clothing, etc.), in which the seller classes the commodity for which a maximum price is reported.

(b) Insert the name of comparable commodity in the same general classification and price range of which the seller delivered the largest number of units during March 1942.

Item 4-A. Column 1: Name of comparable commodity.

Column 2: Insert unit of pricing, e. g., pound, quart, garment, etc.

Column 3: Insert replacement cost per unit. Replacement cost shall be *net price*¹ per unit paid by the seller after May 18, 1942, or the net price which the seller would have to pay to replace the comparable commodity after such date.

Column 4: Insert the maximum price per unit established in accordance with § 1499.2 of General Maximum Price Regulation.

Item 4-B. Insert *net cost*¹ per unit of commodity for which price is reported.

Item 4-C. Calculate maximum price reported per unit as follows: Multiply unit cost (4-B) by percentage (4-A, column 5).

§ 1499.25 Appendix B: Commodities designated by the Price Administrator as cost-of-living commodities.

NOTE: For the commodity classifications marked by asterisks, maximum prices may be posted by price-lines at the place in the business establishment where the commodities are offered for sale, provided that, in addition, the selling price of each commodity in such classification shall be marked on the commodity itself.

See § 1499.13 of this General Maximum Price Regulation.

TOBACCO, DRUGS, TOILETRIES, AND SUNDRIES

(All brands, grades, and sizes, except where otherwise indicated)

Tobacco:

Cigarettes.
Smoking tobacco, in cans and packages.

Packaged household drugs:

Aspirin tablets.
Milk of magnesia, liquid.
Cod liver oil, liquid.
Epsom salts.

¹ "Net price" (or "net cost") shall be the price paid after deducting all discounts allowed to, and adding transportation and delivery charges paid by, the seller.

Packaged household drugs—Continued.

Boric acid.
Caster oil and mineral oil.
Witch-hazel and rubbing alcohol.
Toiletries and sundries:
Hand and toilet soaps.
Dentifrices (paste, powder, and liquid).
Shaving cream.
Toothbrushes.
Sanitary napkins.
Razor blades.
Facial tissues.

Infants' food: All types.

Ice cream: Bulk and packaged.

APPAREL AND YARD GOODS

Men's and boys clothing:

*Suits, business and sport.
*Overcoats, topcoats, and raincoats, business and sport.
*Trousers and slacks, dress, sport, and wash.
*Men's shirts, other than formal.
*Pajamas and nightshirts, cotton, wool, and part wool.
Shorts, cotton.
Undershirts, cotton knit.
Union suits.
*Hosiery, other than pure silk and pure wool.
*Felt hats.
Work shirts.
Work pants.
Overalls and coveralls.
Sweaters.
*Mackinaws.
*Jackets, boys' only.
Men's work gloves.
Boys' gloves and mittens.
Boys' blouses and shirts.
*Boys' snow suits.

Women's and girls' clothing:

*Coats, untrimmed and fur-trimmed, sport and dress.
*Suits.
*Dresses, street and house.
*Hosiery, including anklets.
*Panties and slips.
*Foundation garments and brassieres.
*Women's gloves, children's gloves and mittens.
Skirts.
*Blouses and shirts, tailored, rayon or cotton.
Sweaters.
*Nightgowns and pajamas, other than silk.
*Robes and house coats, flannel and cotton.
*Children's overalls, slacks, sunsuits and shorts (cotton only).
*Children's snow suits.
*Children's jackets.

Infants' clothing:

Diapers.
Dresses, other than silk.
Shirts.
Blinders.
Sleeping garments.
Coats, cotton, wool, part wool.
Snow suits.
Sweaters.
Sunsuits (cotton only).

Yard goods:

Cotton yard goods.
Rayon yard goods.
Wool and mixtures of wool.

Footwear:

*Street, work, dress, and sport shoes for men, women, and children.
Infants' shoes.
Rubber footwear.

FOOD AND HOUSEHOLD SUNDRIES

Meat

Fresh beef:

Rib roast.
Chuck steak.
Top round steak.
Rump roast.
Chuck roast.
Beef liver.
Ground round steak.

Pork:

Loin whole roast.
 Rib end roast.
 Loin end roast.
 Best center cut chops.
 Bacon.
 Ham, whole, half, or sliced.
 Salt pork.
 Other meat products:
 Cooked or smoked ham.
 Frankfurters.

Canned fruits, vegetables, and juices

Canned peaches.
 Canned pears.
 Canned pineapples.
 Canned corn.
 Canned peas.
 Canned tomatoes.
 Canned pork and beans.
 Canned green beans, cut.
 Canned tomato juice.
 Canned grapefruit juice.
 Canned pineapple juice.

Other groceries and household sundries

Canned salmon.
 Canned vegetable soup.
 Canned tomato soup.
 Packaged flour mixes (cake, pancake, biscuit mixes only).
 Macaroni and spaghetti, dried, bulk, and packaged.
 Rolled oats, bulk and packaged.
 Corn flakes.
 Bread, all types.
 Soda crackers.
 Fresh milk and cream.
 Lard, bulk and print.
 Vegetable shortening.
 Sugar, all types, packaged and bulk.
 Coffee.
 Cocoa.

[F. R. Doc. 42-3807; Filed, April 28, 1942;
 4:06 p. m.]

PART 1499—COMMODITIES AND SERVICES**GENERAL MAXIMUM PRICE REGULATION*****Supplementary Regulation No. 1—Exceptions for Certain Waste Materials; Certain Machines, Machine Parts, and Services; Antimony Ores and Concentrates; and Instrument Jewel Bearings***

The Price Administrator, pursuant to authority contained in the Emergency Price Control Act of 1942, has determined that in order to effectuate the purposes of that Act certain commodities should be excepted from the General Maximum Price Regulation. § 1499.9 of the General Maximum Price Regulation provides that the Price Administrator may, by supplementary regulation, except from the operation of the general regulation commodities in addition to those set forth in that section. Section 1499.10 provides for the exception of services in addition to those listed therein. A Statement of the Considerations involved in the issuance of this Supplementary Regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in that Statement, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with §§ 1499.1 to 1499.25, inclusive, of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.26 *Supplementary Regulation No. 1.* (a) General Maximum Price Reg-

ulation shall not apply to any sale or delivery of the following commodities:

(1) Waste materials including but not limited to metal, paper, cloth, and rubber scrap: *Provided*, That no waste materials, other than those enumerated in subparagraph (2) of this paragraph, sold to an industrial consumer shall be excepted from the General Maximum Price Regulation.

(2) All zinc scrap materials, except those covered by Revised Price Schedule No. 3,¹ including, but not limited to, zinc skimmings, zinc ashes, sal skimmings, and flue dust; all lead scrap materials, except those covered by Revised Price Schedule No. 70,² including, but not limited to, lead drosses, lead slags, lead ashes, and lead sludges; residues, of tin, solder, babbitt, and type material including, but not limited to, drosses, scruffs, acidic drosses, fumes, sludges, and slags.

(3) Any machine or part (as defined in the Maximum Price Regulation covering Machines and Parts) for which the manufacturer had no established price in effect on October 1, 1941, and which is manufactured, pursuant to order, for incorporation in a product manufactured by the buyer. (Any such machine or part, however, to which reference is made in Appendix A of the Maximum Price Regulation covering Machines and Parts is subject to such Regulation.)

(4) Antimony ores and concentrates.

(5) Instrument jewel bearings.

(b) The provisions of the General Maximum Price Regulation shall not apply to any sale or supply of the following service; (1) Any work, on material furnished by a customer, performed on any machine used for the cutting, abrading, shaping, forming, or joining of any metal or plastic. (Any such material, which, after machining constitutes a machine or part to which reference is made in Appendix A of the Maximum Price Regulation covering Machines and Parts is subject to such Regulation.)

(c) Definitions. (1) When used in this Supplementary Regulation No. 1, the term "industrial consumer" means any person who processes any scrap material otherwise than by sorting, cleaning, baling, compressing, or reducing in size by any means: *Provided, however*, That any person cleaning and reselling cloth scrap for use as wiping rags or waste shall be considered an industrial consumer.

(2) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(d) This Supplementary Regulation No. 1 (1499.26) shall become effective May 11, 1942. (Pub. Law 421, 77th Cong.)

Issued this 28th day of April, 1942.

LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-3809; Filed, April 28, 1942;
 4:07 p. m.]

¹ 7 F.R. 1205, 1836, 2132.

² 7 F.R. 1341, 1836, 2000, 2132, 2188, 2542.

PART 1303—ZINC**MAXIMUM PRICE REGULATION NO. 124—ROLLED ZINC PRODUCTS**

In the judgment of the Price Administrator the prices of certain rolled zinc products have risen and are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of rolled zinc products prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator and on the basis of the facts presently available the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 124 is hereby issued.

AUTHORITY: §§ 1303.251 to 1303.260, inclusive, issued pursuant to Pub. Law 421, 77th Cong., 2d Sess.

§ 1303.251 *Maximum prices for rolled zinc products.* On and after May 11, 1942, regardless of any contract, agreement, lease, or other obligation, no producer or manufacturer shall sell or deliver rolled zinc products, and no person shall buy or receive rolled zinc products from any such producer or manufacturer in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1303.260; and no such persons shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of rolled zinc products to a purchaser if prior to May 11, 1942, such rolled zinc products had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1303.252 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1303.260) may be charged, demanded, paid or offered.

§ 1303.253 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries

¹ 7 F.R. 971.

made during the pendency of the petition in accordance with the disposition of the petition.

§ 1303.254 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 124 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to rolled zinc products, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1303.255 *Records and reports.* (a) Every person making purchases or sales of rolled zinc products on or after May 11, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (1) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity in pounds or tons purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

§ 1303.256 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 124 are subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 124 or of any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1303.257 *Petition for amendment.* Persons seeking any modification of any provision of this Maximum Price Regulation No. 124 may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1303.258 *Definitions.* (a) When used in this Maximum Price Regulation No. 124, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Rolled zinc products" means the kinds of rolled zinc products referred to in § 1303.260 hereof.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1303.259 *Effective date.* This Maximum Price Regulation No. 124 (§§ 1303.251 to 1303.260, inclusive) shall become effective May 11, 1942.

§ 1303.260 *Appendix A: Maximum prices for rolled zinc products—(a) Maximum prices.*

Quantity		Maximum price (cents per pound)
(1) Sheet zinc:		
Less than carload lots.....		13.15 cents f. o. b. mill.
Carload lots and larger quantities.....		7% discount.
(2) Ribbon and strip zinc:		
Up to 3,000 pounds.....		12.25 cents f. o. b. mill.
3,000 and less than 6,000 lb. lots.....		1% discount.
6,000 and less than 9,000 lb. lots.....		2% discount.
9,000 and less than 18,000 lb. lots.....		3% discount.
18,000 and less than carload lots.....		4% discount.
Carload lots and larger quantities.....		7% discount.
(3) Zinc Plates:		
(i) Small (hotter) plates (not over 12 inches in any dimension):		
3 tons and over.....		11.00 cents, f. o. b. mill.
1 ton and less than 3 tons.....		12.00 cents, f. o. b. mill.
500 lbs. and less than 2,000 lbs.....		12.50 cents, f. o. b. mill.
100 lbs. and less than 500 lbs.....		13.00 cents, f. o. b. mill.
Less than 100 lbs.....		14.00 cents, f. o. b. mill.
(ii) Large (hull) plates (over 12 inches in any dimension) add 1 cent per pound to prices for small plates:		
(4) Zinc Engravers' Plates:		
(i) Raw Plates.....		14.25 cents, f. o. b. mill.
(ii) Finished Plates.....		21.50 cents, delivered.
(a) Freight in excess of 2 cents a pound may be charged to the buyer.		
(b) For finished plate produced in California, Oregon and Washington the maximum price is 23.00 cents a pound, delivered.		
(5) Zinc Lithographers' Plates, Ungrained:		
Less than carload lots.....		15 cents, f. o. b. mill.
Carload lots and larger quantities.....		7% discount.

(b) The prices set forth above for sheet zinc, ribbon and strip zinc, and lithographers' plates are the maximum base prices for the products listed. Extra charges for gauge, length, width, and the other items for which extras are usually charged shall not exceed those charged by the respective producer on October 1, 1941.

(c) The minimum quantity making up a carload lot shall be the lowest minimum weight, as set forth in the established tariffs of railroad carriers, upon which a railroad carload lot rate from the point of shipment to the point of destination is based.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3794; Filed, April 28, 1942; 3:52 p. m.]

PART 1305—ADMINISTRATION

SUPPLEMENTARY ORDER NO. 4—REVOKING CERTAIN TEMPORARY MAXIMUM PRICE REGULATIONS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 it is hereby ordered:

§ 1305.6 *Revocation of certain temporary maximum price regulations.* (a) On and after May 18, 1942, the Temporary Maximum Price Regulations listed in paragraph (b) hereof, establishing temporarily the maximum prices for sales and deliveries of the commodities designated in said paragraph (b) shall be of no effect and, effective as of May 18, 1942, they are revoked.

(b) Temporary maximum price regulations:

No.	Title	Sections (inclusive)	FEDERAL REGISTER citation
12	Domestic washing machines and ironing machines—Distributors and retailers.....	1339.121 to 1339.161.....	7 F.R. 2915.
13	Resale of new domestic cooking and heating stoves and ranges.....	1339.211 to 1339.231.....	7 F.R. 2914.
14	Resale of new radio receiving sets and phonographs—Distributors and retailers.....	1339.311 to 1339.361.....	7 F.R. 2903.
15	New typewriters.....	1339.1 to 1339.11.....	7 F.R. 2319.
17	Plumbing fixtures.....	1409.1 to 1409.19.....	7 F.R. 2333.
18	Domestic electrical appliances.....	1579.21 to 1579.62.....	7 F.R. 2333, 2700.
19	Oil paints and varnish.....	1433.1 to 1433.19.....	7 F.R. 2330.

(c) This order shall become effective the 18th day of May, 1942. (Pub. Law 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3621; Filed, April 28, 1942; 4:03 p. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO. 33—CARDED COTTON YARNS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1307.60 (b) (1) is amended to read as follows:

§ 1307.60 Appendix A: Maximum prices for carded cotton yarn.

(b) *Maximum prices*—(1) *Determination of maximum price.*² The maximum price for carded cotton yarn shall be determined from (2) below, as qualified by (3) below, on the basis of the cotton spot price³ of the business day immediately preceding that on which the sale or contract of sale is made: *Provided*, That (i) Where the contract of sale was made on or before July 20, 1941, the maximum price shall be determined on the basis of a cotton spot price of 15.99 cents per pound; and

(ii) Where the contract of sale is made on or after May 4, 1942, the maximum price shall be determined on the basis of a cotton spot price of 20.37 cents per pound.

§ 1307.62 Effective dates of amendments.

(g) Amendment No. 3 (§ 1307.60 (b) (1)) to Revised Price Schedule No. 33 shall become effective May 4, 1942. (Pub. Law, 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3788; Filed, April 28, 1942; 3:44 p. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 4 TO REVISED PRICE SCHEDULE NO. 7—COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1307.12 (d) (2) is amended to read as follows:

¹ 7 F.R. 1267, 1837, 1836, 2000, 2132, 2737.

² This method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to contracts of sale made before, as well as on or after, the applicable ceiling date.

³ The term "cotton spot price," when used herein, means the average published daily by the United States Department of Agriculture of the price quotations for middling 15¹⁶-inch cotton on ten designated spot markets.

⁴ 7 F.R. 1221, 1836, 2000, 2132, 2277, 2393, 2509, 2737.

§ 1307.12 Appendix A: Maximum prices for combed yarns and for mercerizing, bleaching, and/or gassing thereof.

(d) *Maximum prices for combed yarns not covered by contract prior to December 24, 1941, and for mercerizing, bleaching and/or gassing.*

(2) *Determination of maximum prices for combed yarns.* The maximum price for combed yarn shall be determined from the tables in (3) below, as qualified by (4) below, on the basis of the spot cotton price of the business day immediately preceding that on which the contract of sale is made, regardless of any change in the spot cotton price subsequent thereto: *Provided*, That where the contract of sale is made on or after May 4, 1942, the maximum price shall be determined on the basis of a spot cotton price of 20.37 cents per pound.

§ 1307.11 Effective dates of amendments.

(1) Amendment No. 4 (§ 1307.12 (d) (2)) to Revised Price Schedule No. 7 shall become effective May 4, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3786; Filed, April 28, 1942; 3:43 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

MAXIMUM PRICE REGULATION NO. 131—CAMELBACK

In the judgment of the Price Administrator, the prices of camelback have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of camelback prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emer-

gency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 131 is hereby issued.

AUTHORITY: §§ 1315.1301 to 1315.1310, inclusive, issued pursuant to Pub. Law 421, 77th Cong.

§ 1315.1301 *Maximum prices for camelback.* On and after May 11, 1942, regardless of any contract, agreement, lease, or other obligation, no manufacturer shall sell or deliver camelback, and no person shall buy or receive camelback from a manufacturer in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1310; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of camelback to a purchaser if prior to May 11, 1942, such camelback had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1315.1302 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1315.1310) may be charged, demanded, paid or offered.

§ 1315.1303 *Adjustable pricing.* No person subject to the provisions of this Maximum Price Regulation No. 131 shall enter into any agreement permitting the adjustment of the prices of camelback to prices which may be higher than the maximum prices, except that any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1315.1304 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 131 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to camelback, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.1305 *Records and reports.* (a) Every person making sales or purchases subject to this Maximum Price Regulation No. 131, of camelback after May 10, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such sale or purchase, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade

¹ 7 F.R. 971.

purchased or sold, and (2) the quantity of each grade of camelback on hand and on order as of the 11th and 31st days of May 1942 and as of the close of each calendar month thereafter.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require or permit.

§ 1315.1306 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 131 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 131 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1307 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 131 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1315.1308 *Definitions.* (a) When used in this Maximum Price Regulation No. 131, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Camelback" means any capping stock or retreading material, of a grade set forth in § 1315.1310, *Appendix A*, manufactured for use in the recapping or retreading of rubber tires.

(3) "Manufacturer" means any person engaged in the production of camelback.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.1309 *Effective date.* This Maximum Price Regulation No. 131 (§§ 1315.1301 to 1315.1310, inclusive) shall become effective May 11, 1942.

§ 1315.1310 *Appendix A: Maximum prices for camelback.* (a) (1) The maximum prices shall be as follows for camelback of the following grades and specifications.²

Grade	Specifications— maximum percent by volume		Maximum price (cents per pound)
	Rubber	Whole tire re- claimed rubber	
A-----	73.0	0	23
O-----	47.9	31.4	23
B-----	23.0	57.0	19
F-----	0	83.3	19

(2) The maximum prices set forth in paragraph (a) (1) include all costs of transportation to the purchaser's plant, except that the actual freight charges may be added to the maximum price on shipments of less than 100 pounds. On sales or deliveries of 100 pounds or more, if the seller does not deliver the goods to the purchaser's plant, the maximum prices shall be the prices set forth in paragraph (a) (1) less the actual cost of transportation to the purchaser's plant.

(3) There may be added to the maximum prices set forth in this paragraph (a) the amount of tax levied by any Federal excise tax statute, provided the seller states such tax separately from the purchase price on the billing at the time of the transaction.

(4) The maximum prices set forth in this paragraph (a) shall not be increased by any charges for the extension of credit.

(b) The maximum price at which a manufacturer may sell or deliver camelback for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation³ issued by the Office of Price Administration on April 25, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3793; Filed, April 23, 1942;
3:56 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

MAXIMUM PRICE REGULATION NO. 132— WATERPROOF RUBBER FOOTWEAR

In the judgment of the Price Administrator, the prices of waterproof rubber footwear have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of waterproof rubber footwear prevailing between October 1 and October 15, 1941, and has made adjustment for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

³ §§ 1375.1 to 1375.8, inclusive, of this Chapter.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,⁴ issued by the Office of Price Administration, Maximum Price Regulation No. 132 is hereby issued.

AUTHORITY: §§ 1315.61 to 1315.71, inclusive, issued pursuant to Pub. Law 421, 77th Cong.

§ 1315.61 *Maximum prices for waterproof rubber footwear.* On and after May 11, 1942, regardless of any contract, agreement, lease or other obligation, no manufacturer shall sell or deliver waterproof rubber footwear and no person shall buy or receive waterproof rubber footwear from a manufacturer in the course of trade or business, at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1315.70 and 1315.71; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of waterproof rubber footwear to a purchaser if prior to May 11, 1942, such waterproof rubber footwear had been received by a carrier, other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1315.62 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B, (§§ 1315.70 and 1315.71) may be charged, demanded, paid or offered.

§ 1315.63 *Adjustable pricing.* No person subject to the provisions of this Maximum Price Regulation No. 132 shall enter into any agreement permitting the adjustment of the prices of waterproof rubber footwear to prices which may be higher than the maximum prices, except that any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1315.64 *Evason.* The price limitations set forth in this Maximum Price Regulation No. 132 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to waterproof rubber footwear, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or

² As established by Supplementary Order No. M-15-b-1 (7 F.R. 967) issued by the War Production Board. Variations from the specifications are permitted as follows: Rubber, plus 0, minus 2; Whole Tire Reclaimed Rubber, plus 2, minus (not limited).

⁴ 7 F.R. 971.

other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.65 *Records and reports.* (a) Every person making a sale or purchase, subject to Maximum Price Regulation No. 132, of waterproof rubber footwear after May 10, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale or purchase showing the date thereof, the name and the address of the buyer and seller, the price paid or received, and the quantity of each type, kind, size and quality of waterproof rubber footwear, sold or purchased.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require or permit.

§ 1315.66 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 132 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 132 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.67 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 132 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1315.68 *Definitions.* (a) When used in this Maximum Price Regulation No. 132 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means any person engaged in the production of waterproof rubber footwear.

(3) "Rubber" means all forms and types of rubber including synthetic and reclaimed rubber.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.69 *Effective date.* This maximum Price Regulation No. 132 (§§ 1315.61 to 1315.71, inclusive) shall become effective May 11, 1942.

§ 1315.70 *Appendix A: Maximum prices for waterproof rubber footwear, produced after February 11, 1942.* (a)

The maximum price, per pair, for any of the following types of waterproof rubber footwear, produced after February 11, 1942, shall be as follows:

(1) *Table of maximum prices.*

Boots:	Type	Price per pair
Men's Short	-----	\$2.75
Women's Short	-----	2.30
Men's Stormking	-----	4.05
Men's Hip	-----	4.65
Pacs:		
Men's 12" Toplace Pac	-----	3.20
Men's Lumber Overs, Half Heel (rubber part only)	-----	2.00
Arctics:		
Men's 5-buckle Rubber Midweight Bal	-----	3.15
Men's 4-buckle Rubber Midweight Bal	-----	2.75
Men's 4-buckle Cloth Farmweight Blucher	-----	2.75
Men's 4-buckle height Lightweight Bal—Rubber:		
a. Buckle	-----	2.30
b. Strap	-----	2.25
c. Slide	-----	2.65
Boy's 3-buckle Lightweight Bal—Rubber	-----	2.00
Youth's 3-buckle Lightweight Bal—Rubber	-----	1.85
Women's 4-buckle height Lightweight Bal—Rubber:		
a. Buckle	-----	2.05
b. Strap	-----	1.80
Men's 4-buckle Lightweight Bal—Cloth	-----	2.65
Gaiters:		
Women's 2-snap height rubber:		
a. Snap	-----	1.15
b. Slide	-----	1.50
Misses' 2-snap Rubber	-----	1.12
Child's 2-snap Rubber	-----	1.09
Rubbers:		
Men's work rubbers, Storms and/or Semi-Storms	-----	1.25
Boy's work rubbers, Storms and/or Semi-Storms	-----	1.20
Men's Storms and/or S. A. Overs (full lined)	-----	1.10
Boy's Storms and Overs (full lined)	-----	1.00
Youth's Storms and Overs (full lined)	-----	.90
Women's Overs (full lined)	-----	.88
Growing Girl's Storms (full lined)	-----	.88
Misses' Storms (full lined)	-----	.80
Child's Storms (full lined)	-----	.73
Women's footholds	-----	.58
Severe occupational:		
Men's black short boot	-----	3.15
Men's black short steel toe boot	-----	3.65
Men's black short firefighter boot (\$5.25 felt)	-----	4.65
Men's black stormking firefighter boot (\$6.75 felt)	-----	6.15
Men's black hip boot	-----	5.05
Men's black hip steel toe boot	-----	5.55
Men's black body boot	-----	12.00
Men's black 15" lace mine pac	-----	4.15
Men's black 15" lace mine pac, steel toe	-----	4.65
Men's black work shoe	-----	3.00
Men's black work shoe, steel toe	-----	3.50
Men's black, two buckle perfections	-----	2.80

(2) The manufacturer shall deduct from the prices listed in paragraph (a)

(1) all trade, cash, quantity, advance buying, and other discounts, freight allowances and rebates, postage allowances and rebates and any other deductions from the list price in effect to a purchaser of the same class on December 3, 1941.

(3) The maximum prices set forth in this paragraph (a) shall apply only when the article in question is the best quality line produced under the restrictions on rubber consumption promulgated by the War Production Board; except that the maximum prices set forth in this paragraph (a) shall be the maximum prices for articles that are not the best quality line produced under the restrictions on rubber consumption promulgated by the War Production Board until different maximum prices are established therefor pursuant to the provisions of paragraph (b) of this section.

(b) (1) The maximum price for any waterproof rubber footwear of the types listed in paragraph (a) (1) which has been determined by the Office of Price Administration to be not the best quality line produced under the restrictions on rubber consumption promulgated by the War Production Board shall be such price as the Office of Price Administration designates in writing to reflect the differences in quality and cost of production of the article in question from the best quality line produced under the restrictions on rubber consumption promulgated by the War Production Board. Any determination that waterproof rubber footwear is not the best quality line produced under the restrictions on rubber consumption promulgated by the War Production Board, shall be made by the Office of Price Administration upon examination of the specifications and data as to physical properties submitted to the Office of Price Administration in accordance with the provisions of paragraphs (b) (2) and (b) (3) of this section.

(2) Every manufacturer who is presently producing waterproof rubber footwear shall submit to the Office of Price Administration, within fourteen days after May 10, 1942, specifications and data as to physical properties of the waterproof rubber footwear produced by him. Persons who have already submitted such specifications and data as to physical properties shall be deemed to have complied with the provisions of this subparagraph.

(3) If any person begins producing any of the types of waterproof rubber footwear listed in paragraph (a) (1) of this section for the first time after May 10, 1942, such person shall submit such specifications and data within fourteen days after he begins production.

(c) If a manufacturer reduces the rubber content of any article by more than 10% or makes any other substantial changes from the specifications submitted in accordance with paragraph (b), he shall submit specifications and data as to physical properties of the article and the price he proposes to charge therefor. Within fourteen days after the receipt of the specifications, data as to physical properties, and the proposed price, the Office of Price Administration will either approve the proposed price as a maximum price for such article or designate a different maximum price therefor to reflect the differences in costs of production and quality of the

article from the article produced in accordance with the specifications and data as to physical properties originally submitted. The price so approved or so designated shall be the maximum price for such article. The manufacturer shall not sell, offer to sell, deliver or transfer such article until the Office of Price Administration has approved the proposed price, designated a maximum price, or fourteen days have elapsed after the receipt by the Office of Price Administration of the specifications, data as to physical properties, and proposed price. If fourteen days have elapsed after the receipt of the specifications, data as to physical properties, and proposed price without the Office of Price Administration approving the proposed price or designating a maximum price, the maximum price for such article shall be the price proposed by the manufacturer.

(d) If a manufacturer is presently producing or does produce any waterproof rubber footwear of a different type or kind from that specified in paragraph (a) (1) of this section he shall submit a unit cost analysis, specifications, data as to physical properties, and a proposed price for the article in question. Within fourteen days of the receipt of the unit cost analysis, specifications, data as to physical properties and the proposed price, the Office of Price Administration will either approve the proposed price as a maximum price for such article or designate a different maximum price therefor to reflect the differences in quality and costs of production of the article from the most comparable article of the manufacturer, listed in paragraph (a) (1). The price so approved or so designated shall be the maximum price for such article. The manufacturer shall not sell, offer to sell, deliver or transfer such article until the Office of Price Administration has approved the proposed price, designated a maximum price or fourteen days have elapsed after the receipt by the Office of Price Administration of the unit cost analysis, specifications, data as to physical properties, and proposed price. If fourteen days have elapsed after the receipt of the unit cost analysis, specifications, data as to physical properties, and proposed price without the Office of Price Administration approving the proposed price or designating a maximum price, the maximum price for such article shall be the price proposed by the manufacturer.

(e) A service charge of 5¢ per pair on any order amounting to six pairs or less may be added to the maximum prices established by paragraphs (a) to (d) inclusive.

(f) The maximum prices established under the provisions of this section shall not be increased by any charges for the extension of credit.

(g) The maximum price at which a manufacturer may sell or deliver any waterproof rubber footwear, produced after February 11, 1942, for export shall be determined in accordance with the provisions of the Maximum Export Price

Regulation issued by the Office of Price Administration on April 25, 1942.²

§ 1315.71 *Appendix B: Maximum prices for waterproof rubber footwear produced on or before February 11, 1942.*

The maximum price for any waterproof rubber footwear, produced on or before February 11, 1942, shall be the first applicable price, among the prices set forth in the following paragraphs (a) to (c), inclusive.

(a) The price stated in the printed or typewritten schedule or price list of the manufacturer in effect on December 3, 1941, less all trade, cash, quantity, advance buying, and other discounts, freight allowances and rebates, postage allowances and rebates, and any other deductions from the list price in effect for a purchaser of the same class on December 3, 1941.

(b) The highest net price at which the seller sold, contracted to sell, delivered, or transferred waterproof rubber footwear of the same kind and quality and in a similar amount to a purchaser of the same class on December 3, 1941.

(c) The last net price at which the seller sold, contracted to sell, delivered, or transferred waterproof rubber footwear of the same kind and quality and in a similar amount to a purchaser of the same class prior to December 3, 1941.

(d) The maximum price at which a manufacturer may sell or deliver any waterproof rubber footwear, produced on or before February 11, 1942, for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation² issued by the Office of Price Administration on April 25, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3800; Filed, April 23, 1942;
3:57 p. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 4 TO REVISED PRICE SCHEDULE NO. 89²—BED LINENS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1316.111 (b) is amended to read as follows:

§ 1316.111 *Appendix A: Maximum prices for bed linens.*

(b) *Determination of maximum price.* Except as otherwise provided herein, the maximum price (expressed in terms of a percentage discount from the base prices listed in Table II) for any bed linens shall be determined pursuant to Table III on the basis of the

spot cotton price¹ of the business day immediately preceding that on which the contract of sale for such bed linens was made:² *Provided*, That where the contract of sale is made on or after May 4, 1942, the maximum price shall be determined pursuant to Table III on the basis of a spot cotton price of 20.37 cents per pound.

§ 1316.110a *Effective dates of amendments.*

(d) Amendment No. 4 (§ 1316.111 (b)) to Revised Price Schedule No. 89 shall become effective May 4, 1942. (Pub. Law 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3783; Filed, April 23, 1942;
3:44 p. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 11²—FINE COTTON GREY GOODS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1316.13 (d) (2) is amended to read as follows:

§ 1316.13 *Appendix A: Maximum prices for fine cotton goods.*

(d) *Fine cotton goods not covered by contract prior to December 24, 1941.*

(2) *Determination of maximum price.* Subject to the qualifications contained in paragraph (e) of this section, the maximum price for fine cot-

¹The term "spot cotton price," as used herein, means the average published daily by the United States Department of Agriculture, of the price quotations for middling 1¹/₁₆-inch cotton on ten designated spot markets.

²This method of determining the maximum price shall be used in connection with contracts of sale of bed linens made before, as well as on or after, February 2, 1942.

³7 F.R. 1231, 1836, 2000, 2132, 2737.

⁴Except as provided in paragraph (c), this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

Sales under "open-price" contracts, pursuant to which the price is to be determined as of a date subsequent to that on which the contract is entered into, are permissible hereunder: *Provided*, That the contract (1) specifies the quantity of goods to be delivered and (2) fixes the exact date upon which the price is to be settled. In connection with such contracts the date on which the price is settled shall be regarded, for purposes of paragraph (d), as the day on which the sale or contract of sale is made.

²§§ 1375.1 to 1375.8, inclusive, of this Chapter.

³7 F.R. 1376.

ton grey goods shall be determined on the basis of the spot cotton price of the business day immediately preceding that on which the contract of sale is made, regardless of any change in the spot cotton price¹ subsequent thereto: *Provided, That:*

(i) Where the contract of sale was made on or before July 20, 1941, the maximum price shall be determined on the basis of a spot cotton price of 15.99 cents per pound; and

(ii) Where the contract of sale is made on or after May 4, 1942, the maximum price shall be determined on the basis of a spot cotton price of 20.37 cents per pound.

* * * * *

§ 1316.12a *Effective dates of amendments.*

(b) Amendment No. 2 (§ 1316.13 (d) (2)) to Revised Price Schedule No. 11 shall become effective May 4, 1942. (Pub. Law 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3787; Filed, April 28, 1942;
3:43 p. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO. 35²—CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1316.61 (b) (1) and (b) (3) are amended and (b) (4) thereof is amended by adding thereto Table VI, as set forth below.

§ 1316.61 *Appendix A: Maximum prices for cotton goods.*

* * * * *

(1) *Determination of maximum prices.*³ Except as provided in para-

¹ The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, of the price quotations middling 1¹/₁₆-inch cotton on ten designated spot markets.

² 7 F.R. 1270, 1836, 2132, 2738, 2795, 3060.

³ Except as otherwise provided in this Revised Price Schedule No. 35, this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to contracts of sales made before, as well as on or after, the applicable ceiling date.

Sales under "open-price" contracts, pursuant to which the price is to be determined as of a date subsequent to that on which the contract is entered into, are permissible hereunder: *Provided, That* the contract (1) specifies the quantity of goods to be delivered and (2) fixes the exact date upon which the price is to be settled. In connection with such contracts the date on which the price is settled shall be regarded, for purposes of paragraph (b), as the day on which the sale or contract of sale is made.

graph (a) of this section, and subject to the qualifications contained in paragraph (c) of this section, the maximum price for cotton goods shall be determined on the basis of the spot cotton price⁴ of the business day immediately preceding that on which the contract of sale is made, regardless of any change in the spot cotton price subsequent thereto: *Provided, That:*

(i) Where the contract of sale was made on or before July 20, 1941, the maximum price shall be determined on the basis of a spot cotton price of 15.99 cents per pound;

(ii) For deliveries of woven tickings against contracts entered into prior to March 9, 1942, the maximum price shall be determined on the basis of a spot cotton price of 19.28 cents per pound; and

(iii) Where the contract of sale is made on or after May 4, 1942, the maximum price shall be determined on the basis of a spot cotton price of 20.37 cents per pound.

(3) *Ceiling date.* The maximum prices set forth below in Tables I to V inclusive, and the qualifications thereto of paragraph (c), become effective on October 21, 1941, which shall constitute the ceiling date for the fabrics covered by said tables and by said qualifications thereto. The maximum prices set forth below in Table VI, and the qualifications thereto of paragraph (c), become effective on May 4, 1942, which shall constitute the ceiling date for the fabrics covered by said Table and by said qualifications thereto.

(4) *Maximum price tables.*

TABLE VI—Woven tickings

The maximum prices (including the differentials) set forth below apply to woven tickings made of yarns 26s and coarser, except tickings 4.95 yds. to the pound and lighter and tickings made in weaves requiring a jacquard loom. Loading in excess of an average of 5 per cent in finished weight shall be disregarded in determining the weight of the fabric for purposes of these maximum prices.

The maximum prices set forth in the table immediately following are to be adjusted in accordance with the differentials set forth thereafter.

Type of ticking and yds. per lb.	Spot cotton prices—cents per		
	19.21 to 19.66	19.67 to 20.12	20.13 to 20.58
Cents per yard			
Twills:			
2.00	22.75	23.00	23.25
2.58	19.00	19.125	19.375
3.00	17.375	17.625	17.75
3.50	15.625	15.875	16.00
4.00	14.00	14.25	14.375
Sateens:			
2.00	27.50	27.75	28.00
2.67	21.375	21.625	21.875
3.00	19.00	19.25	19.375

⁴ As used herein, the term "spot cotton price" means the average, published daily by the United States Department of Agriculture, of the price quotations for middling 1¹/₁₆-inch cotton on ten designated spot markets.

Differentials. (All differentials provided herein are premiums over or discounts from the prices set forth in the Table immediately above)

(i) *Multiple color patterns.* For twills (but not for sateens) containing more than one color (other than bleached or grey warp or colored selvage) premiums may be charged as follows:

	Cents per yd.
3.01 yards and lighter	1/4
3.00 yards and heavier	3/4

(ii) *Width.* The prices set forth above are for tickings 32" in width. The price for tickings of any other width shall be pro-rated to the 32" prices set forth herein and may also include the following premiums:

	Cents per yd.
For tickings 28 1/2" or less in width	1/4
For tickings 42" to 54.99" in width	1 1/4
For tickings 55" and over in width	2 1/4

(iii) *Weight.* The price for any ticking of a weight intermediate between those listed above shall be determined by interpolation, according to the respective yardages per pound, between the prices there set forth; the price for any ticking of a weight greater or less than any listed above shall be determined in proportion to its weight, from the price set forth for, respectively, the heaviest or lightest ticking listed.

(iv) *Bleaching.* Where more than 50 per cent, by weight, of the warp yarn is bleached, a premium of 1/2 cent per yard may be charged.

(v) *Special finish or treatment.* In addition to the maximum prices set forth above, a seller may charge a premium for sanforizing, antiseptic treatment or other special treatment or finish. Any such charge shall not exceed the charge made by the seller during the period October 1 to October 15, 1941, for the same special treatment or finish on ticking of the same type and weight in connection with the sale of a comparable quantity. If during such period, the same type or weight of ticking was not sold by the seller with such special treatment or finish, the charge therefor shall be in line with the charge for such special treatment or finish on ticking of the nearest comparable type and weight sold or delivered during such period. If during such period no ticking was sold by the seller with such special treatment or finish, the charge therefor shall be in line with the charge made for the nearest comparable special treatment or finish during that period. In determining a premium hereunder, the seller shall use his October 1 to October 15, 1941, charges to purchasers of the same general class or, if he had no such purchasers during that period, to purchasers of the most nearly comparable class, appropriately increased or decreased by his normal price differential between the respective classes of purchasers.

(vi) *Terms.* Maximum prices set forth herein shall be discounted by terms of "3 percent 10 days or 2-10, 60 extra."

(vii) *Seconds and shorts.* For seconds and short lengths of tickings, the prices

set forth herein shall be discounted by the following percentages.

	Percent
Seconds.....	5
Short lengths (yds., inclusive):	
20 to 40.....	5
10 to 19.99.....	10
2 to 9.99.....	15

(viii) *Sales by mills to persons other than jobbers.* On sales by mills to persons other than jobbers, percentage premiums may be charged as follows:

	Percent
Plain twills under 42" in width.....	5
Plain twills 42" and over in width, fancy twills and sateens.....	7½

As used herein, "fancy twill" means a twill containing more than one color (other than white or gray warp of colored selvage); "plain twill" means any other twill.

A premium may be charged for shipments in bales of less than standard size: *Provided*, That such premiums shall not exceed that prevailing between October 1 to October 15, 1941.

(ix) *Sales by jobbers.* In addition to the prices set forth herein, jobbers may charge a premium of not more than 12½ per cent for plain twills and of not more than 17½ per cent for fancy twills and sateens.

Where shipment is made from the jobber's warehouse in assortments requiring repackaging of the goods as received from the mill, the jobber may charge in addition to the foregoing (1) the incoming freight and (2) a premium of not more than 5 per cent: *Provided*, That in such cases the jobber shall without charge deliver the goods to the place of business of local customers or, in the case of other customers, to the carrier. As used herein, the term "local customer" means a customer whose place of business is located in the same metropolitan area as the jobber.

Except as provided in (x) below, no producer of ticking and no person or concern controlling, controlled by, or under common control with a producer of ticking shall be eligible for the jobbers' premiums set forth herein.

(x) *Special premiums for high-cost producers.* (a) Conestogo Cotton Mills, Lancaster, Pa., may charge the following premiums, over the prices and differentials set forth above:

	Cents per yd.
32" 2.60 yd. twill.....	¾
32" 2.58 yd. twill.....	½
60" 1.15 yd. twill.....	1
32" 2.00 yd. sateen.....	¾

(b) Wm. Whitaker & Sons, Philadelphia, Pa., may charge, in addition to the prices and differentials set forth above, the basic jobbers' premium of 12½ per cent for plain twills and of 17½ per cent for fancy twills and sateens.

§ 1316.60a *Effective dates of amendments.*

(c) Amendment No. 3 (§ 1316.61 (b) (1), (3), and (4)) shall become effective May 4, 1942. (Pub. Law 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Dec. 42-3785; Filed, April 23, 1942; 3:41 p. m.]

PART 1340—FUEL

MAXIMUM PRICE REGULATION NO. 137— MOTOR FUEL SOLD AT SERVICE STATIONS

In the judgment of the Price Administrator, the prices of motor fuel and Diesel fuel, sold at service stations, have risen or are threatening to rise to an extent, and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942.

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 137 are necessary to check inflation and to effectuate the purpose of the Act.

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 137 are generally fair and equitable. So far as practicable, the Price Administrator gave due consideration to prices prevailing between October 1 and 15, 1941, and to relevant factors of general applicability. So far as practicable the Price Administrator consulted with representatives of the industry which will be affected by this Maximum Price Regulation No. 137.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 137 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority invested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1¹ issued by the Office of Price Administration, Maximum Price Regulation No. 137 is hereby issued.

AUTHORITY: §§ 1340.81 to 1340.93, inclusive issued under Pub. Law 421, 77th Cong.

§ 1340.81 *Maximum prices for motor fuel sold at service stations.* On and after May 18, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver motor fuel at service stations at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1340.91; and no person shall agree, offer, solicit or attempt to sell motor fuel at service stations at prices higher than the maximum prices.

§ 1340.82 *Federal and State taxes.* Any tax upon the sale of motor fuel at service stations and any compensating use tax upon motor fuel levied by any statute of the United States or statute

or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such motor fuel and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during March 1942.* (1) If the seller customarily stated and collected such tax separately from the purchase price during March 1942, the seller shall not include the tax in determining the maximum price under this Maximum Price Regulation No. 137 and in such case may collect the tax in addition to the maximum price.

(2) If the seller did not customarily state and collect such tax separately from the purchase price during March 1942, the seller shall include the tax in determining the maximum price under this Maximum Price Regulation No. 137 and in such case may not collect the tax in addition to the maximum price.

(b) *As to a tax which becomes effective after March 31, 1942.* If the statute or ordinance levying such tax requires or permits the seller to state and collect the tax separately from the price paid by the purchaser, and the seller does separately state it, the seller may collect the tax in addition to the maximum price.

§ 1340.83 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1340.91), may be charged, demanded or offered.

§ 1340.84 *Evason.* The price limitations set forth in this Maximum Price Regulation No. 137 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to motor fuel sold at service stations, alone or in connection with any other commodity by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise. Without limiting the generality of the foregoing, no person subject to this Maximum Price Regulation No. 137 shall change his customary allowances, discounts or other price differentials unless such change results in a lower price.

§ 1340.85 *Records and reports—(a) Base period records.* Every person subject to this Maximum Price Regulation No. 137 shall:

(1) Preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for such motor fuel as he delivered during March 1942 and his offering prices for delivery of motor fuel during such month; and

(2) Prepare, on or before July 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(i) The highest prices which he charged for such motor fuel as he deliv-

ered during March 1942, and his offering prices for delivery of motor fuel during such month, together with an appropriate description or identification of such motor fuel by reference to kind and grade;

(ii) All his customary allowances, discounts and other price differentials.

(b) *Current records.* Every person subject to this Maximum Price Regulation No. 137 shall keep, and make available for examination by the Office of Price Administration records of the same kind as he customarily kept, relating to the prices which he charged for such motor fuel as he sold at service stations after May 18, 1942, and, in addition, records showing as precisely as possible, the basis upon which he determined maximum prices for such motor fuel.

§ 1340.86 *Statement and postings of maximum prices of motor fuel sold at service stations.* (a) On and after May 18, 1942, every person subject to this Maximum Price Regulation No. 137 shall post conspicuously the maximum prices established by this Maximum Price Regulation No. 137 for each grade of motor fuel offered for sale by such person at a service station, at the place in the particular service station where such motor fuel is offered for sale.

(b) On or before June 1, 1942, every person subject to this Maximum Price Regulation No. 137 shall file with the appropriate War Price and Rationing Board of the Office of Price Administration a statement showing his maximum price for each grade of motor fuel together with an appropriate description of its specifications. Such statement shall be kept up to date by such person by filing on the first day of every succeeding month a statement of his maximum price for each grade of motor fuel newly offered for sale by him at a service station during the previous month together with an appropriate description of its specifications.

§ 1340.87 *Sales slips and receipts.* Any person subject to this Maximum Price Regulation No. 137, who has customarily given a purchaser a sales slip, receipt or similar evidence of purchase shall continue to do so. Upon request from a purchaser any person subject to this Maximum Price Regulation No. 137 shall give the purchaser a receipt showing the date, the name and address of the seller, the kind, grade and quantity of the motor fuel sold, and the price received for it.

§ 1340.88 *Penalties.* (a) Persons violating any provision of this Maximum Price Regulation No. 137 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for suspension of licenses.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 137 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the

nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1340.89 *Procedure for adjustment or amendment—(a) Application for adjustment.* Any seller of motor fuel at service stations who finds that the maximum price of motor fuel established for him under the provisions of Appendix A (§ 1340.91) of this Maximum Price Regulation No. 137 is abnormally low in relation to the maximum prices of motor fuel established for other sellers thereof as service stations, and that this abnormality subjects him to substantial hardship, may file an application for adjustment of that maximum price in accordance with Procedural Regulations which will be issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 137 or an adjustment not provided for in (a) of this section may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1340.90 *Definitions.* (a) When used in this Maximum Price Regulation No. 137, the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Motor fuel" means liquid fuel, including Diesel fuel, used for the propulsion of motor vehicles or motorboats, and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Service station" means any place of business or part thereof, where motor fuel is delivered into the fuel supply tanks of motor vehicles or motorboats.

(4) "Appropriate War Price and Rationing Board" means the War Price and Rationing Board for the area in which is located the seller's service station from which motor fuel is offered for sale.

(5) "Seller of the same class" means a seller (i) performing the same function, (ii) of similar type, (iii) dealing in the same type of commodity, and (iv) selling to the same class of purchaser.

(6) "A seller's most closely competitive seller of the same class" shall be a seller of the same class who: (i) is selling the same commodity, (ii) is closely competitive in the sale of such commodity and (iii) is located nearest to the seller.

(7) "Offering price" means the price at which motor fuel was offered for sale at the seller's motor fuel pumps. But "offering price" shall not include a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

(8) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for motor fuel at service stations to different purchasers or kinds of purchasers located in differ-

ent areas or for different quantities or grades under different conditions of sale.

(9) "Sell" includes sell, supply, dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing.

(10) "Highest price charged during March, 1942" means the highest price which the seller charged for motor fuel delivered by him at a service station during March 1942; or if the seller made no such delivery during March, 1942, his highest offering price for delivery during that month.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1340.91 *Appendix A: Maximum prices for motor fuel sold at service stations—(a) The seller's maximum price for each grade of motor fuel shall be:*

(1) The highest price charged to a purchaser of the same class by the seller during March, 1942 for each grade of motor fuel.

(2) If a seller did not sell motor fuel of a particular grade at a service station during March, 1942, the highest price charged to a purchaser of the same class during March, 1942 by the most closely competitive seller of the same class for motor fuel of the same grade.

(b) *Eastern Seaboard.* In the states of Connecticut, Delaware, Florida, east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, District of Columbia, and within the corporate limits of the City of Bristol, Tennessee, the maximum price of motor fuel at service stations, determined under subparagraphs (1) and (2) of this section, may be increased by not more than .4 of a cent a gallon in the case of gasoline and by not more than .2 of a cent a gallon in the case of Diesel fuel.

§ 1340.92 *Applicability.* The provisions of this Maximum Price Regulation No. 137 shall be applicable to the United States, its territories and possessions and the District of Columbia.

§ 1340.93 *Effective date.* All of the provisions of this Maximum Price Regulation No. 137 (§§ 1340.81 to 1340.93 incl.) shall become effective on May 18, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Price Administrator.

[F. R. Doc. 42-3805; Filed, April 28, 1942; 4:03 p. m.]

PART 1340—FUEL

AMENDMENT NO. 10 TO REVISED PRICE SCHEDULE NO. 88¹—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment

¹7 F.R. 1107, 1371, 1798, 1799, 1830, 2133, 2304, 2352, 2634, 2945.

is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Sections 1340.159 (c) (2) *Eastern seaboard*, 1340.159 (c) (3) *Distillate fuel oils*, and 1340.159 (c) (6) *Residual fuel oils* are amended to read as follows:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.*

(c) *Specific prices.*

(2) *Gasoline.*

(ii) *Maximum prices for gasoline on the Eastern seaboard.*

Eastern seaboard. Maximum prices for gasoline in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia and the corporate limits of Bristol, Tennessee shall not be in excess of 1.2 cents per gallon above the maximum prices in the above States and the District of Columbia as determined under

paragraph (b) (1) to (b) (3) of this section. Such maximum increase of 1.2 cents per gallon shall apply to the communities in Maryland and Virginia adjacent to the District of Columbia in addition to the increase of .5 of a cent per gallon allowed for those communities below. Maximum prices for gasoline sold in the State of Florida, east of the Apalachicola River and in the State of Georgia shall not be in excess of .9 of a cent gallon above the maximum prices as determined under paragraphs (b) (1) to (b) (3) inclusive, of this section.

(3) *Distillate fuel oils.* (i) The maximum prices in the States of Connecticut, Delaware, Florida, east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia for the petroleum products listed below shall not be more than the respective amounts per gallon indicated below in excess of the maximum price that would otherwise govern under paragraph (b) (1) to (b) (3) of this section:

Product	Amount
Tractor fuel, gas house oils, distillate Diesel fuel oils, Nos. 2, 3, and 4 fuel oils	0.6 of a cent per gallon.
Kerosene, range oil, No. 1 fuel oil	0.4 of a cent per gallon.

(ii) *Maximum tank wagon prices for No. 2 fuel oil:*

Tank wagon area: Washington, D. C.	82
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(6) *Residual fuel oils.* (i) The maximum price in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia for residual fuel oils, comprising Nos. 5 and 6 fuel oils, Bunker C, Navy Grade and residual Diesel fuel oils, shall be not more than 45 cents per barrel in excess of the maximum prices that would otherwise govern under paragraph (b) (1) to (b) (3) of this section, except that at the points named in subdivision (ii) of this subparagraph the prices there specified shall be the maximum prices.

(ii) *Maximum prices for Bunker C and No. 6 fuel oils on the East and Gulf Coasts in cargo and barge lots f. o. b. refineries and terminals (ex lighterage).*

Location of refineries:	Maximum price per barrel
Albany, N. Y.	\$2.00
New York, N. Y.	1.80
Philadelphia, Pa.	1.80
Baltimore, Md.	1.80
Norfolk, Va.	1.80
Portland, Maine	1.80
Boston, Mass.	1.80
Providence, R. I.	1.80
Charleston, S. C.	1.75
Savannah, Ga.	1.75
Jacksonville, Fla.	1.75
Tampa, Fla.	1.70
New Orleans, La.	.85

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Maximum prices for ports on the Gulf and East Coasts from Florida east of the Apalachicola River to the Canadian boundary not specified above shall be determined in accordance with subdivision (i) of this subparagraph. Customary differentials above the maximum prices for cargo and barge lots which were in effect on October 1, 1941 for deliveries other than in cargo and barge lots may be maintained.

§ 1340.158a *Effective dates of amendments.*

(j) Amendment No. 10 (§§ 1340.159 (c) (2), 1340.159 (c) (3), 1340.159 (c) (6)) to Revised Price Schedule No. 88 shall become effective April 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Dec. 42-3791; Filed, April 23, 1942; 3:40 p. m.]

PART 1340—FUEL

AMENDMENT NO. 4 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 11¹

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

¹ 7 F.R. 2169, 2352, 2682.

Section 1340.181 is amended to read as set forth below:

§ 1340.181 *Appendix A: Maximum prices for motor fuel sold at service stations in the curtailment area.* (a) The maximum price for each grade of motor fuel at each service station in the States of Oregon and Washington shall be the price posted at each service station for each grade of motor fuel at the close of business or at 11 o'clock at night on March 13, 1942.

(b) If the maximum price for any grade of motor fuel at a service station in the States of Oregon and Washington cannot be determined under paragraph (a) of this section, the maximum price shall be the price charged on the last delivery of such motor fuel made prior to March 13, 1942 at the same service station, provided such delivery was made after January 13, 1942.

(c) The maximum price for each grade of motor fuel at each service station in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, North Carolina, Pennsylvania, Virginia, Rhode Island, South Carolina, Vermont, West Virginia, in the District of Columbia, and the corporate limits of Bristol, Tennessee shall be .9 of a cent per gallon above the price posted at such service station for each grade of motor fuel at the close of business or at 11 o'clock at night on March 13, 1942.

(d) Where the maximum price for any grade of motor fuel at a service station in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, in the District of Columbia, and in the corporate limits of Bristol, Tennessee cannot be determined under paragraph (c) of this section, the maximum price shall be .9 of a cent per gallon above the price charged on the last delivery of such motor fuel made prior to March 13, 1942 at the same service station, provided that such delivery was made after January 13, 1942.

(e) The maximum price for each grade of motor fuel at each service station in the States of Georgia and Florida east of the Apalachicola River shall be .4 of a cent per gallon above the price posted at such service station for each grade of motor fuel at the close of business or at 11 o'clock at night on March 13, 1942.

(f) Where the maximum price for any grade of motor fuel at a service station in the States of Georgia and Florida east of the Apalachicola River cannot be determined under paragraph (e) of this section, the maximum price shall be .4 of a cent per gallon above the price charged on the last delivery of such motor fuel made prior to March 13, 1942 at the same service station, provided that such delivery was made after January 13, 1942.

(g) Where the maximum price for any grade of motor fuel at a service station in the Curtailment Area cannot be determined under paragraphs (a) to (f) of this section, sellers may establish a temporary maximum price, which must be

equal to or lower than the maximum price for that grade of motor fuel at other service stations in the locality, if any, which shall be submitted to the Office of Price Administration within ten days after the establishment of such price approval or disapproval.

(h) Where the maximum price for any grade of motor fuel at a service station in the Curtailment Area, calculated under paragraphs (a) through (g) of this section, results in a difference of less than 3 cents per gallon between the price charged to the operator of the service station and the maximum price so calculated, the maximum price for such grade of motor fuel at such service station shall be no less than 3 cents higher than the price charged to the service station operator: *Provided*, That persons calculating maximum prices under this paragraph shall submit to the Office of Price Administration a certified statement of the price charged to them for each grade of motor fuel and the maximum price otherwise applicable under paragraphs (a) through (g) of this section on or before May 11, 1942 after adjusting prices under this paragraph.

§ 1340.198 *Effective dates of amendments.*

(d) Amendment No. 4 (§ 1340.181) to Temporary Maximum Price Regulation No. 11 shall become effective April 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3808; Filed, April 28, 1942;
4:09 p. m.]

PART 1340—FUEL

ORDER REVOKING TEMPORARY MAXIMUM PRICE REGULATION NO. 11¹—MOTOR FUEL SOLD AT SERVICE STATIONS IN THE CURTAILMENT AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) On and after May 18, 1942, Temporary Maximum Price Regulation No. 11 (§§ 1340.171 to 1340.183, inclusive) shall be of no effect, and, as of May 18, 1942, it is revoked.

(b) This order of revocation shall become effective the 18th day of May 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3792; Filed, April 28, 1942;
3:47 p. m.]

PART 1340—FUEL

MAXIMUM PRICE REGULATION NO. 120—BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

In the judgment of the Price Administrator the prices of bituminous coal are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of bituminous coal prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. At the request of the Price Administrator the Bituminous Coal Division, United States Department of the Interior, has cooperated with the Price Administrator in the formulation of the maximum prices established by this Regulation in accordance with the arrangement effectuated by the letters, dated March 9 and March 13, exchanged between the Price Administrator and the Secretary of the Interior. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 120 is hereby issued.

AUTHORITY: §§ 1340.201 to 1340.233, inclusive, issued pursuant to Pub. Law 421, 77th Cong.

§ 1340.201 *Maximum prices for bituminous coal delivered from mine or preparation plant.* On and after May 18, 1942, regardless of the terms of any contract, agreement, lease, or other obligation, no person who is a producer or a distributor shall sell or dispose of bituminous coal for delivery from a mine or a preparation plant operated as an adjunct of a mine or mines and no person shall, in the course of trade or business, buy or receive bituminous coal so delivered by a producer or distributor, at prices higher than the maximum prices set forth in Appendices A to V, inclusive, hereof, incorporated herein as § 1340.212 to § 1340.233; and no such person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1340.202 *Less than maximum prices.* Lower prices than those set forth in Appendices A to V, inclusive (§§ 1340.212 to 1340.233, inclusive) may be charged, demanded, paid or offered: *Provided*, That nothing herein shall be deemed to

authorize code member producers or distributors to make sales or deliveries at prices lower than the effective minimum prices established from time to time by the Bituminous Coal Division of the United States Department of the Interior.

§ 1340.203 *Adjustable pricing.* No person subject to the provisions of this Maximum Price Regulation No. 120 shall enter into any agreement permitting the adjustment of the prices of bituminous coal, to be delivered from a mine or a preparation plant operated as an adjunct of a mine or mines, to prices which may be higher than the maximum prices, except that any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1340.204 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 120 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to bituminous coal alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by the making of excessive charges for trucking or otherwise.

§ 1340.205 *Records and reports.* (a) Every producer and distributor making a sale of bituminous coal and every person making a purchase of bituminous coal from a producer or distributor, on and after May 18, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such sale or purchase showing the date thereof; the name and address of the buyer and of the person making the sale; and size, brand or trade name and quantity of the bituminous coal sold or purchased, together with the name of the mine at which it originated and the mine index number of such mine; the method of transportation employed in the delivery thereof; and the price received or paid therefor.

(b) Not later than June 1, 1942, every producer and distributor of bituminous coal shall file with the Bituminous Coal Division, United States Department of the Interior, Washington, D. C., a statement setting forth: (1) the rate of interest, if any, charged on delinquent accounts or on any note, trade acceptance or other evidence of indebtedness accepted in payment of an account during the period October 1-15, 1941, inclusive; and (2) the charges, if any, made for any special services during the period October 1-15, 1941, inclusive, together with a description of the special service rendered.

¹ 7 FR. 2169, 2352, 2682.

¹ 7 FR. 971.

(c) Persons affected by Maximum Price Regulation No. 120 shall submit such other reports and keep such other records as the Office of Price Administration may from time to time require.

§ 1340.206 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 120 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 120 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C., or with the nearest Statistical Bureau of the Bituminous Coal Division, United States Department of the Interior or its principal office in Washington, D. C.

§ 1340.207 *Petitions for amendment and adjustment or exception.* (a) The Administrator may grant an adjustment of or exception from the maximum prices to any person who shows to the satisfaction of the Administrator that (1) its cost of operation is above its mine realization at maximum prices, and (2) its maximum prices do not permit it to obtain its average October 1941 realization. In such a case, the petitioner should submit and the Office of Price Administration will consider, all relevant cost and realization data and the necessity, in terms of the war effort, for the granting of such adjustment or exception. The Office of Price Administration may require in connection with any such petition full data on costs, profits, and other relevant factors. Petitions for adjustment or exception pursuant to this section shall be filed in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) Persons seeking any modification of this Maximum Price Regulation No. 120 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1340.208 *Definitions.* (a) When used in this Maximum Price Regulation No. 120 the term:

(1) "Person" includes an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" means a person engaged in the business of mining bituminous coal or preparing bituminous coal at a preparation plant which is an adjunct of a mine or mines, and any person acting as an agent of a producer in the sale of bituminous coal.

(3) "Distributor" means a person who purchases bituminous coal for resale, and resells the same in not less than cargo or railroad carload lots, all as more fully defined in the Bituminous Coal Act of 1937, as amended, and rules and regulations issued thereunder, and any person acting as an agent of such distributor in the sale of bituminous coal.

(4) "Bituminous coal" means bituminous coal as used in the Bituminous Coal Act of 1937, as amended, and includes all bituminous, semibituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignite coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more.

(5) "Bituminous Coal Division" means the Bituminous Coal Division, United States Department of the Interior.

(6) "Bituminous Coal Code" means the Bituminous Coal Code promulgated pursuant to the Bituminous Coal Act of 1937, as amended.

(7) "Code member producer" means a producer who is a member of the Bituminous Coal Code.

(8) "District Nos. 1 to 20, inclusive, 22 and 23" mean the geographical bituminous coal producing districts as defined in the Bituminous Coal Act, as amended, and as they have been or may be modified from time to time by the Bituminous Coal Division.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1340.209 *Other regulations.* Nothing contained in this Maximum Price Regulation No. 120 shall be construed to excuse any violation of any provision of the Bituminous Coal Act or any schedules, regulations, rules, or orders now or hereafter made effective by the Bituminous Coal Division.

§ 1340.210 *Maximum price instructions.* (a) The following maximum price instructions are applicable to the maximum prices set forth in §§ 1340.212 to 1340.233, inclusive (Appendices A to V, inclusive).

(1) Where the effective minimum price now or hereafter established by the Bituminous Coal Division for any shipment of coals to any particular destination or market area or for any particular use, or for movement by any particular method of transportation is higher than the maximum price provided in this Maximum Price Regulation No. 120 for such a shipment, the particular shipment may be made at not more than the applicable minimum price.

(2) The maximum prices established herein apply to all sales by a producer or a distributor at, or for delivery from, a mine or a preparation plant operated as an adjunct of a mine or mines to destinations in continental United States, the Territories of Alaska and Hawaii, the

District of Columbia, the Dominion of Canada and Newfoundland.

(3) All designations or definitions of classifications, price groups, size groups, mine index numbers, mine names, code members, freight origin group numbers, subdistricts, seams, market areas, and other terms used in §§ 1340.212 to 1340.233 (Appendices A to V, inclusive) are, unless otherwise specifically provided, the same designations or definitions of such matters set forth in the schedules of effective minimum prices for the same district, as established and supplemented or modified from time to time by the Bituminous Coal Division. References to classifications, price groups and size groups in §§ 1340.212 to 1340.233 (Appendices A to V, inclusive) are to classifications, price groups and size groups in the schedule of effective minimum prices for the same district in respect to coal shipped all-rail for general commercial use, unless otherwise specifically noted. Thus, special classifications or size groups in the schedule of effective minimum prices for coal moving to a special use or by a particular method of transportation are not applicable, unless otherwise specifically stated.

(4) Where bituminous coal is delivered from a mine or preparation plant in any transportation facilities owned or subject to the control of the producer or a distributor or subsidiary or affiliate of the producer or distributor, or in any transportation facilities hired by the producer or a distributor, there may be added to the applicable maximum prices established herein a sum not in excess of the actual transportation costs incurred, determined in a reasonable manner, but in no event to exceed the lowest common carrier rate for a haul between the same points.

(5) In the event of the mixture of two or more sizes or classifications of coal to which different maximum prices are applicable, the maximum price for such mixture shall be not more than the weighted average of the maximum prices for each of the component sizes or classifications of coal in said mixture, on a per net ton basis.

(6) All coals, including those produced by noncode members, for which no classifications or minimum prices have been established by the Bituminous Coal Division, shall be subject to the maximum prices established for the nearest mine, in the same seam or a substantially similar seam, the coals from which have been assigned classifications or minimum prices by the Bituminous Coal Division: *Provided*, That persons producing such coals shall on or before June 1, 1942 report to the Bituminous Coal Division, United States Department of the Interior, the mine on which the maximum prices for the unclassified coals are based. After the establishment by the Bituminous Coal Division of classifications or minimum prices for coals previously unclassified, the maximum prices shall be predicated upon the classifications or minimum prices as established by the Bituminous Coal Division.

(7) If no specific maximum price is established for a particular size of coal, the maximum price therefor shall be determined as follows:

(i) If the particular unpriced size is a lump size, the maximum price shall be not more than the lowest maximum price established for any size of lump coal for the same mine.

(ii) If the particular unpriced size is a double screened coal, the maximum price shall be not more than the lowest maximum price established for any double screened size of the same mine.

(iii) If the particular unpriced size is a resultant (slack or screening) size, the maximum price shall be not more than the lowest maximum price for any resultant (slack or screening) size of the same mine.

(8) Except as otherwise specifically provided in §§ 1340.212 to 1340.233 (Appendices A to V inclusive) wherever lump double screened coal or mine run is crushed the applicable maximum price shall be the maximum price for the size to which the coal is crushed, irrespective of whether the crushing is done by the producer for his own account or for the buyer's account.

(9) The rate of interest on overdue accounts or on a note, trade acceptance or other form of indebtedness accepted in payment of an account shall not exceed the rate charged by the seller on similar transactions during the period of October 1-15, 1941, inclusive, unless such rate is lower than the rate of interest required to be charged on delinquent accounts under orders of the Bituminous Coal Division.

(10) The charges made for any special service, including (specifically but not exclusively) calcium chloride treatment, specially prepared sizes, split cars (containing more than one size), box car loading, truck loading from pockets at the mine, bags and bagging, and the making of local or retail deliveries from the mine or preparation plant, shall not exceed the charges made for the same service during the period October 1-October 15, 1941, inclusive.

§ 1340.211 *Effective date of Maximum Price Regulation No. 120.* This Maximum Price Regulation No. 120 (§§ 1340.201 to 1340.233, inclusive) shall become effective May 18, 1942.

§ 1340.212 *Appendix A: Maximum prices for bituminous coal produced in District No. 1.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

Price classifications	Size group Nos.				
	1	2	3	4	5
A-----	335	320	305	290	---
B-----	330	320	295	285	---
C-----	320	315	290	275	275
D-----	310	290	280	270	270
E-----	305	290	280	260	260
F-----	285	280	260	250	250
G-----	280	280	260	250	250
H-----	280	280	255	230	230
I-----	---	---	---	230	230
J-----	---	---	---	230	230
K-----	---	---	---	230	230

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 60 cents per net ton.

(3) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for Railroad Fuel (including Lake Cargo Railroad Fuel) shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 35 cents per net ton.

(4) *Maximum prices in cents per net ton for smelting coal.* The maximum prices from all mines in all size groups for Smelting Coal shall not exceed 400 cents per net ton.

§ 1340.213 *Appendix B: Maximum prices for bituminous coal produced in District No. 2.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

Price classifications	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
A-----	335	325	300	295	275	275	245	245	240	240
B-----	335	315	290	280	275	275	245	245	240	230
C-----	335	310	285	280	275	275	245	245	230	220
D-----	325	305	280	280	265	265	240	240	215	210
E-----	310	295	255	255	245	245	220	220	210	205
F-----	305	275	250	250	240	240	220	220	210	---
G-----	300	275	250	250	240	240	215	215	210	---
H-----	295	275	250	250	235	235	205	205	205	---
I-----	295	275	235	235	215	215	205	205	205	---
J-----	290	270	---	---	---	---	190	190	190	---
K-----	235	265	---	---	---	---	---	---	---	---

(2) *Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel and by-product).*

Price classifications	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
A-----	285	285	275	275	260	260	240	240	235	235
B-----	285	275	265	260	260	260	240	240	235	225
C-----	285	270	260	260	260	260	240	240	225	215
D-----	275	265	260	260	260	260	235	235	210	205
E-----	260	255	235	235	230	230	215	215	205	200
F-----	255	235	230	230	225	225	215	215	205	---
G-----	250	235	230	230	225	225	210	210	205	---
H-----	245	235	230	230	220	220	200	200	200	---
I-----	245	235	215	215	205	205	200	200	200	---
J-----	240	230	---	---	---	---	185	185	185	---
L-----	235	225	---	---	---	---	---	---	---	---

(3) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 80 cents for Size Groups 1, 2, 3, 4, 5, 6 and 7, and 35 cents for Size Groups 8, 9, 10 and 11.

(4) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for Railroad Fuel (including Lake Cargo Railroad Fuel) shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 30 cents per net ton.

§ 1340.214 *Appendix C: Maximum prices for bituminous coal produced in District No. 3.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this Appendix.*

Price classifications	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
A-----	355	355	315	295	295	275	250	200	215	215
D-----	280	270	255	255	250	240	225	225	220	220
E-----	270	270	255	255	250	240	215	215	205	205
F-----	260	255	255	250	240	230	210	210	200	200
G-----	260	255	250	250	250	240	240	240	225	225
H-----	250	250	245	245	230	220	210	210	200	200
J-----	245	245	245	230	230	220	210	210	195	195

(2) *Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of*

railroad fuel, vessel and bunker fuel and by-products).

Price classification	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
A.....	350	350	310	290	300	280	260	250	220	200
D.....	280	270	255	255	250	220	210	210	205	205
E.....	265	255	240	240	240	220	200	200	190	190
F.....	240	240	240	240	240	215	195	185	185	185
G.....	235	235	235	235	235	225	225	225	210	210
H.....	215	215	215	215	215	205	195	195	185	185
J.....	215	215	215	215	215	205	195	195	180	180

(3) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 40 cents per net ton.

(4) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for Railroad Fuel (including Lake Cargo Railroad Fuel) shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 25 cents per net ton.

§ 1340.215 *Appendix D: Maximum prices for bituminous coal produced in District No. 4.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made.

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

For shipment from all mines in freight origin districts	Prices and size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
Ohio No. 8.....	275	270	240	240	230	220	195	185	220	170	165	250
Cambridge.....	275	270	240	240	230	220	195	185	220	170	165	250
Hocking.....	315	310	270	270	265	235	215	205	235	205	205	235
Pomeroy.....	300	290	250	250	245	235	205	205	210	170	170	210
Crooksville.....	300	290	250	250	245	235	205	205	210	170	170	210
Jackson.....	315	310	270	270	265	235	215	205	235	205	205	235
Middle.....	295	290	265	260	250	240	210	200	240	195	195	240
Leetonia.....	295	290	265	260	250	240	210	200	240	195	195	240
Ohio Middle.....	275	270	240	240	235	225	225	215	225	190	190	225

(2) *Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel).*

For shipment from all mines in freight origin districts	Prices and size group No.											
	1	2	3	4	5	6	7	8	9	10	11	12
Ohio No. 8.....	235	235	230	230	220	210	190	180	210	160	160	210
Cambridge.....	235	235	230	230	220	210	190	180	210	160	160	210
Hocking.....	250	250	250	250	255	225	190	180	225	170	170	225
Pomeroy.....	255	255	240	240	235	225	190	180	225	170	170	225
Crooksville.....	255	255	240	240	235	225	190	180	225	170	170	225
Jackson.....	250	250	250	250	255	225	190	180	225	170	170	225
Middle.....	250	250	245	245	235	225	205	195	225	175	175	225
Leetonia.....	250	250	245	245	235	225	205	195	225	175	175	225
Ohio Middle.....	240	240	235	235	215	215	205	195	215	180	180	215

(3) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 45 cents for Size Groups 1, 2, 3, 4 and 5; 30 cents for Size Group 6; and 25 cents for Size Groups 7 and 8.

(4) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for Railroad Fuel (including Lake Cargo Railroad Fuel) shall be the ap-

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

From all mines	Prices and size group Nos.																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Raw.....	550	515	510	490	490	470	455	445	445	420	370	415	390	390	355	340	210	195	---
Washed or otherwise mechanically cleaned.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.*

From all mines	Prices and size group Nos.																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Raw.....	570	525	520	510	500	480	465	455	455	430	400	445	415	415	400	350	210	235	---
Washed or otherwise mechanically cleaned.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

(3) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for Railroad Fuel shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 60 cents per net ton.

§ 1340.217 *Appendix F: Maximum prices for bituminous coal produced in*

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

For shipments from all mines.....	Prices and size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
For shipments from all mines.....	275	270	245	235	235	235	200	190	220	170	---	250

(2) *Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel).*

For shipments from all mines.....	Prices and size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
For shipments from all mines.....	235	235	230	230	220	220	190	180	205	155	---	205

(3) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 45 cents for Size Groups 1, 2, 3, 4 and 5; 30 cents for Size Group 6; and 25 cents for Size Groups 7 and 8.

pllicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 25 cents per net ton.

§ 1340.216 *Appendix E: Maximum prices for bituminous coal produced in District No. 5.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

District No. 6. (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

For shipments from all mines.....	Prices and size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
For shipments from all mines.....	275	270	245	235	235	235	200	190	220	170	---	250

(2) *Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel).*

For shipments from all mines.....	Prices and size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
For shipments from all mines.....	235	235	230	230	220	220	190	180	205	155	---	205

(4) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for Railroad Fuel (including Lake Cargo Railroad Fuel) shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 25 cents per net ton.

§ 1340.218 *Appendix G: Maximum prices for bituminous coal produced in District No. 7.* (a) The maximum prices

set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

Low Volatile Coals

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

(i) *Special price instructions.* (a) The maximum prices from Mine Index No. 133 for 100 mesh x 0 Dust shall not exceed 240 cents per net ton.

(b) The maximum prices for *Refuse Coal* from Mine Index Nos. 21, 94, 117, 126, and 207 shall not exceed 250 cents per net ton.

(c) The maximum prices for coals in Size Group 8 from Mine Index Nos. 289 and 703 shall not exceed 240 cents per net ton.

Price classifications	Prices and size group Nos.									
	1	2	3	4	5	6	7	8	9	10
A.....	405	415	375	315	310	335	300	260	255	250
B.....	365	375	365	300	295	335	285	260	255	250
C.....	365	375	365	300	295	330	255	255	255	245
D.....	340	360	340	300	295	330	255	240	240	240
E.....	340	355	335	295	270	310	-----	240	235	230
F.....	335	355	-----	-----	-----	-----	-----	240	235	230
G.....	-----	-----	-----	-----	-----	-----	-----	240	235	230
H.....	-----	-----	-----	-----	-----	-----	-----	240	235	230
I.....	-----	-----	-----	-----	-----	-----	-----	240	235	230
J.....	-----	-----	-----	-----	-----	-----	-----	240	235	230

(2) *Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel and by-product).*

Price classifications	Prices and size group Nos.									
	1	2	3	4	5	6	7	8	9	10
A.....	320	325	310	275	285	315	300	260	255	250
B.....	305	310	305	275	275	310	285	260	255	250
C.....	305	305	305	265	265	295	255	255	255	245
D.....	305	305	265	260	260	295	255	240	240	240
E.....	300	300	290	265	265	290	-----	240	235	230
F.....	295	295	-----	-----	-----	-----	-----	240	235	230
G.....	-----	-----	-----	-----	-----	-----	-----	240	235	230
H.....	-----	-----	-----	-----	-----	-----	-----	240	235	230
I.....	-----	-----	-----	-----	-----	-----	-----	240	235	230
J.....	-----	-----	-----	-----	-----	-----	-----	240	235	230

(3) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 85 cents per net ton.

(4) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for Railroad Fuel (including Lake and Tidewater Cargo) shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 60 cents per net ton.

Price classi- fications	Prices and size group Nos.																						
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21	22	23				
A.....	400	400	400	380	360	335	315	300	260	370	260	260	260	260	260	255	255	240	220				
B.....	400	375	375	355	335	310	275	270	255	335	260	260	260	260	260	255	255	235	215				
C.....	380	360	360	345	335	310	275	270	255	335	255	255	255	255	255	255	255	235	215				
D.....	370	360	360	345	335	310	275	270	250	335	255	255	255	255	255	255	255	230	205				
E.....	360	350	340	335	335	305	275	270	250	335	255	255	250	250	245	245	245	220	200				
F.....	350	345	335	335	320	305	275	270	250	310	250	250	250	250	245	245	245	220	200				
G.....	350	340	325	325	310	300	275	270	250	310	250	250	250	250	240	235	235	215	-----				
H.....	245	340	325	325	310	300	275	260	235	305	-----	-----	-----	250	240	235	235	205	-----				
I.....	240	335	325	325	310	300	270	255	225	305	-----	-----	-----	250	240	235	235	200	-----				
J.....	330	325	315	315	310	300	270	250	225	305	-----	-----	-----	240	235	235	235	200	-----				
K.....	315	315	310	310	285	285	270	250	-----	-----	-----	-----	-----	240	235	235	235	195	-----				
L.....	315	315	310	310	285	280	270	250	-----	-----	-----	-----	-----	220	215	210	210	195	-----				
M.....	315	315	310	310	285	280	260	250	-----	-----	-----	-----	-----	220	215	210	210	195	-----				
N.....	310	305	290	290	275	265	255	-----	-----	-----	-----	-----	-----	220	215	210	210	185	-----				
O.....	295	290	285	285	270	265	255	-----	-----	-----	-----	-----	-----	220	215	210	210	160	-----				
P.....	295	290	285	285	-----	-----	-----	-----	-----	-----	-----	-----	-----	220	215	210	210	160	-----				
Q.....	295	290	285	285	-----	-----	-----	-----	-----	-----	-----	-----	-----	220	215	210	210	160	-----				
R.....	295	290	285	285	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----				
S.....	295	290	285	285	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----				

(6) *Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel and by-product).*

(i) *Special price instructions.* (a) Price classifications in Size Group Nos. 1 to 10, inclusive, shown below, are the ap-

plicable effective minimum price classifications for shipment via the Great Lakes.

(b) Price classifications in Size Group Nos. 16 to 22, inclusive, shown below, are the applicable effective minimum price classifications for all-rail shipment.

Price classifications	Prices and size group Nos.																	
	1	2	3	4	5	6	7	8	9	10	16	17	18	19	20	21	22	
A.....	330	330	330	325	310	285	270	270	260	300	260	260	260	260	255	255	240	
B.....	320	320	310	310	305	280	270	270	260	300	260	260	260	260	255	255	235	
C.....	305	295	290	290	290	275	270	270	260	300	255	255	255	255	255	255	235	
D.....	300	295	290	290	290	270	270	270	260	300	255	255	255	255	255	255	230	
E.....	295	295	285	275	275	265	260	235	225	300	255	250	250	245	245	245	220	
F.....	290	290	280	270	270	260	260	230	220	300	250	250	250	245	245	245	215	
G.....	285	280	270	265	265	255	250	225	215	300	250	250	250	240	235	235	210	
H.....	280	280	270	260	260	255	250	220	210	300	250	250	250	240	235	235	205	
I.....	275	275	265	255	255	245	245	215	205	255	250	250	250	240	235	235	200	
J.....	270	275	265	250	250	245	240	210	200	250	250	250	250	240	235	235	200	
K.....	265	265	255	245	245	235	235	205	195	245	250	250	250	240	235	235	195	
L.....	260	265	250	245	245	235	230	200	190	240	250	250	250	240	235	235	195	
M.....	255	255	245	245	245	235	235	195	185	235	250	250	250	240	235	235	195	
N.....	250	250	240	230	230	225	220	180	180	230	250	250	250	240	235	235	195	
O.....	245	245	235	225	225	220	215	185	175	225	250	250	250	240	235	235	195	
P.....	240	240	230	220	220	215	210	180	170	220	250	250	250	240	235	235	195	
Q.....	235	235	225	215	215	210	205	175	165	215	250	250	250	240	235	235	195	

(7) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 60 cents for Size Groups 1, 2, and 3; 35 cents for Size Groups 4, 5, and 6.

(8) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for Railroad Fuel (including Lake and Tidewater Cargo) shall be the applicable effective minimum prices as of April

1, 1942, plus a sum not exceeding 35 cents per net ton.

§ 1340.219 Appendix H: *Maximum prices for bituminous coal produced in District No. 8.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

High Volatile Coals

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.

(i) Special price instruction. Meadow Creek Coal Company, Solon Mine, Mine Index 432, shall take the same Maximum Prices for shipment to Market Area 114 (Nashville, Tennessee) as are applicable to that mine in all other Market Areas.

Price classifications	Prices and size group Nos.												
	1	2	3	4	5	6	7	8	9	10	11	12	13
A	400	400	400	380	360	335	315	290	260	230	200	170	140
B	400	375	375	355	335	310	275	250	225	200	175	150	125
C	380	360	360	345	335	310	275	250	225	200	175	150	125
D	370	360	360	345	335	310	275	250	225	200	175	150	125
E	360	350	340	335	335	305	275	250	225	200	175	150	125
F	350	345	335	335	320	305	275	250	225	200	175	150	125
G	350	340	325	325	310	300	275	250	225	200	175	150	125
H	345	340	325	325	310	300	275	250	225	200	175	150	125
I	340	335	325	325	310	300	275	250	225	200	175	150	125
J	330	325	315	315	310	300	275	250	225	200	175	150	125
K	315	315	310	310	285	285	270	250	225	200	175	150	125
L	315	315	310	310	285	285	270	250	225	200	175	150	125
M	315	315	310	310	285	285	270	250	225	200	175	150	125
N	315	315	310	310	285	285	270	250	225	200	175	150	125
O	310	305	290	290	275	265	255	235	215	200	180	160	140
P	295	290	285	285	270	265	255	235	215	200	180	160	140
Q	295	290	285	285	270	265	255	235	215	200	180	160	140
R	295	290	285	285	270	265	255	235	215	200	180	160	140
S	295	290	285	285	270	265	255	235	215	200	180	160	140

(2) Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel and by product).

(i) Special price instructions. (a) Price classifications and size group Nos. 1 to 10, inclusive, shown below, are the applicable effective minimum price clas-

sifications and size group numbers as of April 1, 1942, for shipment via the Great Lakes.

(b) Price classifications and size group Nos. 16 to 22, inclusive, shown below, are the applicable effective minimum price classifications and size group numbers as of April 1, 1942, for all-rail shipment.

Price classifications	Prices and size group Nos.												
	1	2	3	4	5	6	7	8	9	10	11	12	13
A	330	330	330	325	310	285	270	250	230	210	190	170	150
B	320	320	310	310	305	280	270	250	230	210	190	170	150
C	305	295	290	290	280	275	270	250	230	210	190	170	150
D	300	295	290	290	280	270	270	250	230	210	190	170	150
E	295	295	285	275	275	265	260	235	225	200	180	160	140
F	290	290	280	270	270	260	260	230	220	200	180	160	140
G	285	280	270	265	265	255	250	225	215	190	170	150	130
H	280	280	270	260	260	250	250	220	210	190	170	150	130
I	275	275	265	255	255	245	245	215	205	180	160	140	120
J	270	275	265	250	250	245	240	210	200	180	160	140	120
K	265	265	255	245	245	235	235	205	195	170	150	130	110
L	260	265	250	245	245	230	230	200	190	170	150	130	110
M	255	255	245	245	245	235	235	195	185	160	140	120	100
N	250	250	240	230	230	225	220	185	175	150	130	110	90
O	245	245	235	225	225	220	215	180	170	145	125	105	85
P	240	240	230	220	220	210	210	170	160	135	115	95	75
Q	235	235	225	215	215	210	205	165	155	130	110	90	70
R	235	235	225	215	215	210	205	165	155	130	110	90	70

(3) Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses (exclusive of cannel coal). The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 60 cents for Size Groups 1, 2, 3, 4 and 5; 35 cents for Size Groups 6, 7 and 8.

(4) Maximum prices in cents per net ton for railroad fuel. The maximum prices for Railroad Fuel (including Lake

and Tidewater Cargo) shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 35 cents per net ton.

(5) Maximum prices in cents per net ton for cannel coal. The maximum prices for rail, truck or wagon shipments to all destinations and for all uses shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 50 cents for Lump, Egg and Chip sizes; 30 cents for Machine Cuttings.

Low Volatile Coals

(6) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.

Price classifications	Prices and size group No.									
	1	2	3	4	5	6	7	8	9	10
A	400	400	400	380	360	335	315	290	260	230
B	400	375	375	355	335	310	275	250	225	200
C	380	360	360	345	335	310	275	250	225	200
D	370	360	360	345	335	310	275	250	225	200
E	360	350	340	335	335	305	275	250	225	200
F	350	345	335	335	320	305	275	250	225	200
G	350	340	325	325	310	300	275	250	225	200
H	345	340	325	325	310	300	275	250	225	200
I	340	335	325	325	310	300	275	250	225	200
J	330	325	315	315	310	300	275	250	225	200
K	315	315	310	310	285	285	270	250	225	200
L	315	315	310	310	285	285	270	250	225	200
M	315	315	310	310	285	285	270	250	225	200
N	310	305	290	290	275	265	255	235	215	200
O	295	290	285	285	270	265	255	235	215	200
P	295	290	285	285	270	265	255	235	215	200
Q	295	290	285	285	270	265	255	235	215	200
R	295	290	285	285	270	265	255	235	215	200

(7) Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel and by-product).

Price classifications	Prices and size group Nos.									
	1	2	3	4	5	6	7	8	9	10
A	330	330	330	325	310	285	270	250	230	210
B	320	320	310	310	305	280	270	250	230	210
C	305	295	290	290	280	275	270	250	230	210
D	300	295	290	290	280	270	270	250	230	210
E	295	295	285	275	275	265	260	235	225	200
F	290	290	280	270	270	260	260	230	220	200
G	285	280	270	265	265	255	250	225	215	190
H	280	280	270	260	260	250	250	220	210	190
I	275	275	265	255	255	245	245	215	205	180
J	270	275	265	250	250	245	240	210	200	180
K	265	265	255	245	245	235	235	205	195	170
L	260	265	250	245	245	230	230	200	190	170
M	255	255	245	245	245	235	235	195	185	160
N	250	250	240	230	230	225	220	185	175	150
O	245	245	235	225	225	220	215	180	170	145
P	240	240	230	220	220	210	210	170	160	135
Q	235	235	225	215	215	210	205	165	155	130
R	235	235	225	215	215	210	205	165	155	130

(8) Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses. The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 85 cents per net ton.

(9) Maximum prices in cents per net ton for railroad fuel. The maximum prices for Railroad Fuel (including Lake and Tidewater Cargo) shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 60 cents per net ton.

§ 1340.220 Appendix I: Maximum prices for bituminous coal produced in District No. 9. (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

Prices and size group Nos.

	(2) Maximum prices in cents per net ton
	(2) Maximum prices in cents per net ton for shipment by truck or wagon to town
	(2) Maximum prices in cents per net ton for shipment by truck or wagon to town

No.		(3) Maximum prices in cents per net ton for railroad fuel. The maximum prices for railroad fuel shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 25 cents per net ton.	
No. 1	335	330	300
No. 2	335	330	300
No. 3	335	330	300
No. 4	335	330	300
No. 5	335	330	300
No. 6	335	330	300
No. 7	335	330	300
No. 8	335	330	300
No. 9	335	330	300
No. 10	335	330	300
No. 11	335	330	300
No. 12	335	330	300
No. 13	335	330	300
No. 14	335	330	300
No. 15	335	330	300
No. 16	335	330	300
No. 17	335	330	300
No. 18	335	330	300
No. 19	335	330	300
No. 20	335	330	300
No. 21	335	330	300
No. 22	335	330	300
No. 23	335	330	300
No. 24	335	330	300
No. 25	335	330	300
No. 26	335	330	300
No. 27	335	330	300
No. 28	335	330	300
No. 29	335	330	300
No. 30	335	330	300
No. 31	335	330	300
No. 32	335	330	300
No. 33	335	330	300
No. 34	335	330	300
No. 35	335	330	300
No. 36	335	330	300
No. 37	335	330	300
No. 38	335	330	300
No. 39	335	330	300
No. 40	335	330	300
No. 41	335	330	300
No. 42	335	330	300
No. 43	335	330	300
No. 44	335	330	300
No. 45	335	330	300
No. 46	335	330	300
No. 47	335	330	300
No. 48	335	330	300
No. 49	335	330	300
No. 50	335	330	300
No. 51	335	330	300
No. 52	335	330	300
No. 53	335	330	300
No. 54	335	330	300
No. 55	335	330	300
No. 56	335	330	300
No. 57	335	330	300
No. 58	335	330	300
No. 59	335	330	300
No. 60	335	330	300
No. 61	335	330	300
No. 62	335	330	300
No. 63	335	330	300
No. 64	335	330	300
No. 65	335	330	300
No. 66	335	330	300
No. 67	335	330	300
No. 68	335	330	300
No. 69	335	330	300
No. 70	335	330	300
No. 71	335	330	300
No. 72	335	330	300
No. 73	335	330	300
No. 74	335	330	300
No. 75	335	330	300
No. 76	335	330	300
No. 77	335	330	300
No. 78	335	330	300
No. 79	335	330	300
No. 80	335	330	300
No. 81	335	330	300
No. 82	335	330	300
No. 83	335	330	300
No. 84	335	330	300
No. 85	335	330	300
No. 86	335	330	300
No. 87	335	330	300
No. 88	335	330	300
No. 89	335	330	300
No. 90	335	330	300
No. 91	335	330	300
No. 92	335	330	300
No. 93	335	330	300
No. 94	335	330	300
No. 95	335	330	300
No. 96	335	330	300
No. 97	335	330	300
No. 98	335	330	300
No. 99	335	330	300
No. 100	335	330	300

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.		(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.	
No. 28.	200 225 220 215 215 205 220 205	No. 28.	240 235 235 245 215 205 205 155
No. 29.	300 305 220 215 215 205 225 230	No. 29.	240 240 270 270 240 230 235 220
No. 30.	285 245 235 275 270 270 270 245	No. 30.	245 240 270 270 240 250 240 230
No. 31.	410 410 415 360 280 280 275 410	No. 31.	255 260 280 280 280 280 280 280
No. 32.	235 235 235 275 270 270 255 230	No. 32.	255 260 280 280 280 280 280 280
No. 33.	280 280 280 275 270 270 255 260	No. 33.	255 260 280 280 280 280 280 280
No. 34.	280 280 280 270 265 260 240 220	No. 34.	225 225 225 225 215 215 205 205

shall be the same as herein established for the mine index number appearing in the Schedule of Effective Minimum

[illegible]

(2) *Maximum prices in cents per net*

(2) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for railroad fuel shall be the applicable effective minimum price as of April 1, 1942, plus a sum not exceeding 330 cents per net ton.

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.

... except
... in this
... prices for s
... transportat
... shall be
No. 84—5

[illegible]

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tion for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specified in this appendix.

... except
... in this
... prices for s
... transportat
... shall be
No. 84—5

(2) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for railroad fuel shall be the applicable effective minimum price as of April 1, 1942, plus a sum not exceeding 30 cents per net ton.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities:

(1) *Maximum prices in cents per net*

(1) *Special price instruction for mines not listed.* Where no specific maximum price appears for a particular mine index number, the maximum price therefor

(6) *Maximum prices in cents per net ton for shipment by truck or wagon from Sub-District No. 4 to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 80 cents per net ton.

(7) *Maximum prices in cents per net ton for railroad fuel.* Maximum prices for railroad fuel shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 55 cents per net ton.

(8) *Maximum prices in cents per net ton for blacksmithing coal.* The maximum prices for blacksmithing coal shall not exceed 475 cents per net ton.

Price classifications	Prices and size group Nos.																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
A.....	605	480	480	555	440	555	555	570	525	580	580	580	530	530	265	265	405	105	530	
B.....	455	440	435	535	555	555	555	555	555	555	555	555	555	555	555	555	555	555	555	
C.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
D.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
E.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
F.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
G.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
H.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
I.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
J.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
K.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
L.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
M.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
N.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
O.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
P.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	
Q.....	440	425	420	520	535	535	535	535	535	535	535	535	535	535	535	535	535	535	535	

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 65 cents per net ton.

(3) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for railroad fuel shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 25 cents per net ton.

§ 1340.226 Appendix O: Maximum prices for bituminous coal produced in District No. 15. (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

Production group No.	Prices and size group Nos.																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1.....	305	305	305	305	310	200	285	290	255	255	255	240	185	155	125					
2.....	270	270	270	270	270	270	260	260	240	240	240	210	185	155	125					
3.....	265	265	265	265	265	265	240	240	230	230	230	210	185	155	125					
4.....	320	320	320	320	320	280	265	265	260	260	260	240	210	185	155					
5.....	315	315	315	315	315	280	260	260	255	255	255	240	210	185	155					
6.....	370	370	370	370	370	300	275	275	265	265	265	240	210	185	155					
7.....	500	500	500	500	500	435	385	385	370	370	370	300	275	240	210					
8.....	485	485	485	485	485	425	385	385	370	370	370	300	275	240	210					
9.....	485	485	485	485	485	425	385	385	370	370	370	300	275	240	210					
10.....	325	325	325	325	325	290	265	265	255	255	255	240	210	185	155					
11.....	300	300	300	300	300	285	260	260	250	250	250	240	210	185	155					
12.....	305	305	305	305	305	285	260	260	250	250	250	240	210	185	155					

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* Maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 60 cents per net ton.

(3) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for railroad fuel shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 45 cents per net ton.

(4) *Maximum prices in cents per net ton for Oklahoma Smithing coal from Production Group No. 12 to all destinations.*

(i) Crushed Mine Run—Bulk, 580 cents per net ton.

(ii) Crushed Mine Run—Sacked, 730 cents per net ton.

(iii) Lump—Over 2½", 630 cents per net ton.

§ 1340.227 Appendix P: Maximum prices for bituminous coal produced in District No. 16. (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

Production group No.	Prices and size group Nos.																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1.....	510	460	460	460	460	435	410	410	410	410	410	320	275	215	205	185	155	125	95	
2.....	490	440	440	440	440	415	390	390	390	390	390	310	265	205	195	175	145	115	85	
3.....	485	435	435	435	435	410	385	385	385	385	385	305	260	200	190	170	140	110	80	
4.....	440	390	390	390	390	365	340	340	340	340	340	260	215	155	145	125	95	65		
5.....	435	385	385	385	385	360	335	335	335	335	335	255	210	150	140	120	90	60		
6.....	430	380	380	380	380	355	330	330	330	330	330	250	205	145	135	115	85	55		
7.....	425	375	375	375	375	350	325	325	325	325	325	245	200	140	130	110	80	50		
8.....	410	360	360	360	360	335	310	310	310	310	310	230	185	125	115	95	65	35		
9.....	405	355	355	355	355	330	305	305	305	305	305	225	180	120	110	90	60	30		
10.....	395	345	345	345	345	320	295	295	295	295	295	215	170	110	100	80	50	20		
11.....	390	340	340	340	340	315	290	290	290	290	290	210	165	105	95	75	45	15		
12.....	385	335	335	335	335	310	285	285	285	285	285	205	160	100	90	70	40	10		
13.....	380	330	330	330	330	305	280	280	280	280	280	200	155	95	85	65	35	5		

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 25 cents per net ton.

a. sum not exceeding 30 cents in all size groups.

(3) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for Railroad Fuel shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 10 cents per net ton.

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

Prices and also group Nos.																		
1	2	3	4	5	6	7	8	0	10	11	12	13	14	15	16	17	18	19
Subdistrict No. 1, all mines.....	485	450	465	446	422	405	400	.....	370	330	285	235	205	.....	150	116	225	325
Subdistrict No. 2, all mines.....	495	450	465	446	422	400	316	.....	370	330	285	235	205	.....	206	178	326	230
Subdistrict No. 3, all mines.....	435	425	425	425	400	405	400	.....	370	330	285	270	216	.....	235	176	325	200
Subdistrict No. 4, all mines.....	405	485	480	465	440	405	300	.....	305	305	260	270	235	.....	176	145	325	200
Subdistrict No. 5, all mines.....	436	435	420	430	435	376	305	.....	335	310	285	235	185	.....	176	170	325	200
Subdistrict No. 6, all mines.....	436	429	410	410	380	360	305	.....	316	300	103	176	325	200	.....	216	200	103
Subdistrict No. 7, all mines.....	420	410	410	410	340	340	330	.....	336	316	.....	.....	.....	.....	235	200	103	176
Subdistrict No. 8, all mines.....	378	400	360	360	316	316	305	.....	395	383	.....	.....	.....	.....	240	200	216	176
Subdistrict No. 9, all mines.....	100	400	400	400	350	350	330	.....	360	350	325	276	.....	.....	235	216	216	176
Subdistrict No. 10, all mines.....	400	470	470	470	440	416	335	.....	360	350	.....	.....	.....	.....	210	193	186	166
Subdistrict No. 11, all mines.....	395	436	436	436	400	386	305	.....	395	370	.....	.....	.....	.....	210	193	186	166
Subdistrict No. 12, all mines.....	395	436	436	436	400	386	305	.....	395	370	.....	.....	.....	.....	210	193	186	166
Subdistrict No. 13, all mines.....	395	436	436	436	400	386	305	.....	395	370	.....	.....	.....	.....	210	193	186	166
Subdistrict No. 14, all mines.....	395	436	436	436	400	386	305	.....	395	370	.....	.....	.....	.....	210	193	186	166
Subdistrict No. 15, all mines.....	395	436	436	436	400	386	305	.....	395	370	.....	.....	.....	.....	210	193	186	166
Subdistrict No. 16, all mines.....	395	436	436	436	400	386	305	.....	395	370	.....	.....	.....	.....	210	193	186	166
Subdistrict No. 17, all mines.....	395	436	436	436	400	386	305	.....	395	370	.....	.....	.....	.....	210	193	186	166
Subdistrict No. 18, all mines.....	395	436	436	436	400	386	305	.....	395	370	.....	.....	.....	.....	210	193	186	166
Subdistrict No. 19, all mines.....	395	436	436	436	400	386	305	.....	395	370	.....	.....	.....	.....	210	193	186	166
Subdistricts Nos. 10 and 20, all mines.....	465	455	455	435	410	376	500	.....	335	500	.....	.....	.....	.....	235	223	216	169

^a Exception for Sugarito Mine: 460, 450, 420, 430, 440, 415, 335, —, 360, 350, —, 235, 215, 210, 210, 210, 325, 235.

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses. The maximum prices for shipment by truck or*

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.

		Prices and size group Nos.															
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
subdistrict No. 1, all mines	.....	210	475	.....	405	.....	416	550	320	235	.....	225	170	.....	.....	370	400
subdistrict No. 2, all mines	.....	485	365	460	435	450	425	535	305	295	.....	215	225	185	370	370	.....
subdistrict No. 3, all mines	.....	485	365	.....	.....	.....	.....	.....	350	250	.....	160	.....	130	.....	.....	.....
subdistrict No. 4, all mines	.....	450	430	430	.....	.....	.....	.....	.....	.....	100	.....	.....	.....	.....	250	250
subdistrict No. 5, all mines	.....	.....	.....	.....	.....	.....	.....	.....	450	.....	330	.....	220	.....	.....	.....	.....
subdistrict No. 6, all mines	.....	430	430	430	.....	.....	.....	.....	.....	315	.....	.....	.....	.....	.....	350	.....
subdistrict No. 7, all mines	.....	430	430	430	.....	.....	.....	.....	330	245	.....	220	300	165	.....	.....	.....
subdistrict No. 8, all mines	.....	.....	.....	.....	.....	.....	.....	.....	.....	180	130	60	.....	.....	.....	250	.....

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 70 cents in all size groups.

§ 1340.230, Appendix S: Maximum prices for bituminous coal produced in District No. 19. (a) The maximum prices set forth in paragraph (b) of this section

	1	2	3	4
Subdistrict No. 1, all mines.....	416	416	400	386
Subdistrict No. 2, all mines.....	385	385	360	360
Subdistrict No. 3, all mines.....	205	205	205	205
Subdistrict No. 4, all mines.....	205	370	370	235
Subdistrict No. 5, all mines.....	476	476	476	465
Subdistrict No. 6, all mines.....	250	250	250	250
Subdistrict No. 7, all mines.....	250	250	250	250
Subdistrict No. 8, all mines.....	105	105	105	170
Subdistrict No. 9, all mines.....	200	200	200	200

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 50 cents in all size groups.

(3) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for railroad fuel shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 20 cents per net ton.

§ 1340.231 Appendix T: Maximum prices for bituminous coal produced in

	1	2	3
Subdistrict No. 1, all mines.....	895	895	3
Subdistrict No. 2 and subdistrict No. 3, all mines.....	895	340	3

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 35 cents for Size Groups 1, 2, 3, 4, 5, 6, 7, 8 and 9; and

are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

[illegible]

District No. 20.—(a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.310.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f.o.b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

Prices and also group Nos.														
4	5	6	7	8	9	10	11	12	13	14	15			
376	376	310	238	205	260	212	210	180	225	205	210			
330	350	375	250	205	.....	170	170	.....	245	250	205			

(3) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for Railroad fuel shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 15 cents per net ton.

No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 129 is hereby issued.

AUTHORITY: §§ 1347.11 to 1347.24, inclusive, issued pursuant to Pub. Law 421, 77th Cong.

§ 1347.11 *Prohibition against dealing in commodities above maximum prices.* On and after May 11, 1942, regardless of any contract or other obligation,

(a) With respect to the following commodities:

- (1) Waxed paper.
- (2) Envelopes.
- (3) Paper cups, paper containers and liquid tight containers.
- (4) Sanitary closures and milk bottle caps.
- (5) Drinking straws.

(6) All papers included in the following: Papers containing 50% or more bleached or unbleached sulphate fibre excluding all wrapping grades and standard machine finish and machine glazed bag papers; papers containing 50% or more bleached or unbleached sulphite fibre or 50% or more bleached sulphate fibre used for wrapping or protective purposes excluding box covers, box liners, lining papers, facing papers, drinking cup stock and waxing papers; any tissue papers or papers under 18 pounds basis weight excluding cigarette, carbonizing, fruit wrapping and condenser tissues; any paper containing rope or jute fibres in any amount; and technical papers including but not limited to grades generally classified as saturating, impregnating, insulating, shotshell and photographic paper,

no manufacturer shall sell, offer to sell or deliver any such commodity at a price higher than:

(i) In those cases in which a manufacturer dealt in the same or similar commodities during the period from October 1, 1941, to October 15, 1941, inclusive, the highest price charged by the manufacturer during such period for the same commodity, or if no charge was made for the same commodity, for a similar commodity most nearly like it; or

(ii) In those cases in which the manufacturer did not deal in the same or similar commodities during the period from October 1, 1941 to October 15, 1941, inclusive, the highest price charged during such period by the most closely competitive manufacturer of the same class for the same commodity, or if no charge was made for the same commodity, for a similar commodity most nearly like it.

(b) With respect to the following commodities:

- (1) Gummed papers.
- (2) Tags, pin tickets and marking machine tickets.
- (3) Glazed and fancy papers.

no manufacturer shall sell, offer to sell or deliver any such commodity at a price higher than:

(i) In those cases in which the manufacturer dealt in the same or similar commodities during the period from December 1, 1941 to December 15, 1941, inclusive, the highest price charged by the manufacturer during such period for the same commodity, or if no charge was made for the same commodity, for a similar commodity most nearly like it; or

(ii) In those cases in which the manufacturer did not deal in the same or similar commodities during the period from December 1, 1941 to December 15, 1941, inclusive, the highest price charged during such period by the most closely competitive manufacturer of the same class for the same commodity, or if no charge was made for the same commodity, for a similar commodity most nearly like it.

(c) For the purposes of this Maximum Price Regulation No. 129, the "highest price charged" by the manufacturer during the applicable base period specified in this Maximum Price Regulation No. 129 shall be:

(1) The highest price which such manufacturer charged for a commodity sold or delivered by him during the applicable specified base period, or

(2) If the manufacturer made no such sale or delivery during the applicable specified base period, such manufacturer's highest offering price for delivery during that period.

Every manufacturer shall be required to continue all his customary allowances, discounts, and other price differentials. The "highest price charged" shall be a price charged during the applicable specified base period to a purchaser of the same class. But if a manufacturer had an established practice during the applicable specified base period of making allowances, discounts or price differentials to different classes of purchasers, and if during the applicable specified base period he raised his general level of prices but made no sale or delivery to any purchaser of a particular class, he shall, for

that particular class of purchasers, calculate the highest price charged by taking the highest price charged during the applicable specified base period to a purchaser of another class and then adjusting such price to reflect his established allowances, discounts and price differentials. No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of any commodity, than the manufacturer required purchasers of the same class to pay during the applicable specified base period on deliveries of the same or similar types of commodities.

(d) One commodity shall be deemed "similar" to another commodity, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such commodities, differences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account.

§ 1347.12 *Maximum prices for certain paper commodities.* On and after May 11, 1942, regardless of any contract or other obligation, no manufacturer shall sell or deliver any of the commodities listed in paragraphs (a) (1), (b) (1), (c) (1), and (d) (1) of this section, and no person shall buy or receive any of the commodities listed in the aforementioned paragraphs in the course of trade or business, at prices higher than the maximum prices set forth below; and no person shall offer, solicit, attempt or agree to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of any of the commodities listed in the aforementioned paragraphs to a purchaser, if prior to May 11, 1942, such commodities had been received by a carrier, other than a carrier owned or controlled by the manufacturer, for shipment to such purchaser.

(a) *Standard grocer's and variety bags—(1) Tabulation of maximum prices.*

	<i>Maximum manufacturer's delivered price for carload lots, zone A</i>
Grade	
Self-opening (automatic) Kraft Grocer's Bags-----	25/5's discount from standard list price.

(2) In order to determine the maximum price for other grades of Standard Grocer's and Variety Bags, there shall be subtracted from, or there may be added to, the maximum price for Self-opening (automatic) Kraft Grocer's Bags set forth above, the differential between such grades and Self-opening (automatic) Kraft Grocer's Bags actually employed by the manufacturer in sales or deliveries during the period from October 1, 1941 to October 15, 1941, inclusive, to a purchaser of the same class.

(3) There shall be subtracted from, and there may be added to, the maximum prices established in paragraph (a) (1), the quantity and zone differentials actually employed by the manufacturer in sales or deliveries during the period

from October 1, 1941 to October 15, 1941, inclusive, to a purchaser of the same class.

(b) *Resale book matches—(1) Tabulation of maximum prices.*

	<i>Maximum manufacturers delivered price</i>
Grades	
Resale book matches-----	\$3.60 per case of 2,500 books.

(2) To this price may be added, if incurred, \$1.00 per case Federal Excise Tax. For sales in the West Coast area, as generally defined by the industry, 15¢ per case may be added to the maximum price established hereinabove. For advertising space on the "Thank You" type matches, 50¢ per case may be added to such maximum price.

(c) *Unprinted single weight crepe paper in folds*—(1) *Tabulation of maximum prices.*

Dimensions	Ratio	Form	Maximum manufacturer's delivered price per gross
a. 9" x 20"-----	2 1/2 to 1	Packaged...	\$7.80
b. 9" x 20"-----	2 1/4 to 1	Bully.....	15.25
c. 9" x 20"-----	2 1/4 to 1	Packaged....	6.84
d. 9" x 20"-----	2 to 1	Packaged....	6.12
e. 7 1/2" x 20"-----	1 1/2 to 1	Packaged....	3.96

¹100 gross or more.

(2) There shall be subtracted from, and there may be added to, the maximum prices established in paragraph (c) (1), the quantity and zone differentials actually employed by the manufacturer in sales or deliveries during the period from October 1, 1941 to October 15, 1941, inclusive, to a purchaser of the same class.

(d) *Machine glazed kraft bag paper and kraft wrapping paper*—(1) *Tabulation of maximum prices.*

Maximum manufacturers
Delivered prices for
carload lots

Grades	
Standard Kraft Wrapping Paper.....	\$4.75 cwt.
Imitation Kraft Wrapping Paper.....	4.75 cwt.
No. 1 Kraft Wrapping Paper.....	5.00 cwt.
Standard Kraft Bag Paper.....	4.375 cwt.

(2) In order to determine the maximum price for all other grades of Machine Glazed Kraft Bag Paper and Kraft Wrapping Paper, including but without limitation Machine Glazed Kraft Wrapping Paper and Unbleached Kraft Butcher Paper, there shall be subtracted from, and there may be added to, the maximum price of the most nearly similar product listed in paragraph (d) (1) above, an amount equal to the difference between the price of the most nearly similar product listed in paragraph (d) (1) above and the grade in question, actually employed by the manufacturer in sales or deliveries of such grade during the period from October 1, 1941 to October 15, 1941, inclusive, to a purchaser of the same class.

(3) The maximum prices established in paragraph (d) (1) above are the maximum prices for rolls in carload lots, Zone A. f. o. b. mill, lowest available carload rate of freight allowed to destination point, 30 pounds basis weight and up, except in the case of Imitation Kraft Wrapping Paper, where the basis weight is 45 pounds and up, and in the case of Machine Glazed Kraft Paper, where the basis weight is 25 pounds and up. The lowest carload rate of freight means the lowest freight rate for shipment of carload quantities by the means of transportation available at the time of shipment.

(4) There shall be subtracted from, or there may be added to, as the case may be, the maximum prices established herein the differentials for quantities, sheets, special packing, special sizes, special cuts, lower basis weights, etc., actually employed by the manufacturer in

sales or deliveries during the period from October 1, 1941 to October 15, 1941, inclusive, to a purchaser of the same class.

(5) For shipments to destinations in zones other than Zone A, zone price differentials prevailing during the period from October 1, 1941 to October 15, 1941, inclusive, in the appropriate case, shall be subtracted from, or may be added to, the maximum prices established herein.

(6) *Zones.* (i) Zone A means all the area of the continental United States, east of the eastern boundaries of the states of New Mexico, Colorado, Wyoming, South Dakota and North Dakota, but including the cities of Sioux Falls, Yankton, Aberdeen, Huron, Brookings, Mitchell and Watertown, South Dakota; Grand Forks, Fargo and Wahpeton, North Dakota; and all of the states of California, Oregon, and Washington except the Spokane-Pullman, Washington area.

(ii) Zone B means all of the states of Colorado and New Mexico, all of Wyoming east of and excluding Kemmerer and Rock Springs, all of South Dakota, excluding Sioux Falls, Yankton, Aberdeen, Huron, Brookings, Mitchell and Watertown; all of North Dakota, excluding Grand Forks, Fargo and Wahpeton; the Spokane-Pullman, Washington area and Coeur d'Alene, Wallace, Moscow, and Lewiston, Idaho.

(iii) Zone C means all of the states of Montana, Utah, Arizona and Nevada, all of Idaho except Coeur d'Alene, Wallace, Moscow and Lewiston and all of Wyoming west of and including Kemmerer and Rock Springs.

§ 1347.13 *Federal and State taxes.* Any tax upon the sale of a commodity included in this Maximum Price Regulation No. 129 and any compensating use tax upon a commodity, levied by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the manufacturer's maximum price for such commodity and in preparing the records of such manufacturer with respect thereto:

(a) *As to a tax in effect during the applicable specified base period:*

(1) If the manufacturer customarily stated and collected such tax separately from the purchase price during the applicable specified base period, the manufacturer shall not include the tax in determining the maximum price under this Maximum Price Regulation No. 129, and in such case may collect the tax in addition to the maximum price.

(2) If the manufacturer did not customarily state and collect such tax separately from the purchase price during the applicable specified base period, the manufacturer shall include the tax in determining the maximum price under this Maximum Price Regulation No. 129, and in such case may not collect the tax in addition to the maximum price.

(b) *As to a tax which became effective after the applicable specified base period.* If the statute or ordinance levying such tax requires the manufacturer to state and collect the tax separately from the

price paid by the purchaser, the manufacturer may collect the tax in addition to the maximum price.

(c) *As to a tax relating to commodities specifically priced in this regulation.* There may be added to the maximum price established by this Maximum Price Regulation No. 129 the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if—

(1) Such statute or ordinance requires the manufacturer to state the tax separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or

(2) Such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or

(3) Such a statute or ordinance permits the manufacturer to state such tax separately, and such tax is, in fact, stated separately by the manufacturer. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1347.14 *Less than maximum prices.* Lower prices, than those established by this Maximum Price Regulation No. 129 may be charged, demanded, paid or offered.

§ 1347.15 *Adjustable pricing.* Any manufacturer may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1347.16 *Record keeping*—(a) *Base-period records.* Every manufacturer selling commodities for which maximum prices are established by this Maximum Price Regulation No. 129 shall:

(1) preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for such of those commodities as he sold or delivered during the applicable specified base period; and

(2) prepare, on or before July 1, 1942, on the basis of all available information and records—

(i) a statement showing the highest prices which he charged for such of those commodities as he sold or delivered during the applicable specified base period with an appropriate description of the commodity; and

(ii) if during the applicable specified base period, he observed an established practice of allowing discounts or other price differentials to different classes of purchasers, a statement showing what the discounts and allowances were.

(b) *Current records.* Every manufacturer selling commodities for which maximum prices are established by this Maximum Price Regulation No. 129 shall keep, and make available for examination by the Office of Price Administration, records, of the same kind as he has customarily kept, relating to the prices which he charged for such of those commodities as he sold after May 10, 1942, and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices for those commodities.

§ 1347.17 *Sales for export.* The maximum price at which a manufacturer may sell or deliver any commodity for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

§ 1347.18 *Evasion.* The price limitations established by this Maximum Price Regulation No. 129 shall not, directly or indirectly, be circumvented or evaded by modifying or discontinuing, or charging for or increasing the charge for, any commodity, or by altering any customary trade practice of the manufacturer, or by deteriorating the quality of any commodity, or by any other means. No manufacturer shall impose any terms or conditions of sale, or alter any terms or conditions of sale imposed or agreed to by such manufacturer during the base period or customarily imposed or agreed to by such manufacturer, in such a way as to increase the maximum price established by this Maximum Price Regulation No. 129 for any commodity.

Nothing herein shall be construed to prevent the manufacturer from making changes in merchandising services to effect economies helpful to or made necessary by the war effort, such as elimination of or changes in the frequency of delivery or changes in the character of packaging and wrapping.

§ 1347.19 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 129 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 129 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field office or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.20 *Relief for signatories of voluntary agreements.* A manufacturer of any of the commodities listed below who, at the request of the Price Administrator, has heretofore signed a voluntary agreement with respect to such commodity may file a petition for permission to increase his price of the commodity: *Provided*, That he submit all relevant data necessary to establish that the maximum price at which such manufacturer agreed

to sell such commodity is less than the highest price charged during March 1942 by the most closely competitive manufacturer of the same class for the same commodity or, if no charge was made for the same commodity, for a similar commodity most nearly like it:

- (a) Paper milk bottles.
- (b) Tickets, coupons and checks.
- (c) Lace paper.
- (d) Toilet tissue, towels and napkins.
- (e) Pattern paper.
- (f) Facial tissue.
- (g) Dishes, spoons, plates, etc.
- (h) Specialty bags and envelopes.
- (i) Paper shipping sacks.
- (j) Tubes, cores, cones, spools, etc.

§ 1347.21 *Petition for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 129 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Manufacturer" includes any person who manufactures any of the commodities covered by this Maximum Price Regulation No. 129.

(3) "Sell" includes sell, supply, dispose, barter, exchange, lease and transfer, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly, except that nothing in this Maximum Price Regulation No. 129 shall be construed to prohibit the making of a contract to sell a commodity included in this Maximum Price Regulation No. 129 at a price not to exceed the maximum price at the time of delivery.

(4) "Commodity" includes commodities, articles, products and materials.

(5) "Manufacturer of the same class" means a manufacturer (i) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, installing, or repairing), (ii) of similar type, e, (iii) dealing in the same type of commodities, and (iv) selling to the same class of purchaser. A manufacturer's most closely competitive manufacturer of the same class shall be a manufacturer of the same class who (i) is manufacturing the same or similar commodity, and (ii) is closely competitive in the sale of such commodities, and (iii) is located nearest to the manufacturer.

(6) "Delivered" means that the commodity was received by the purchaser or by any carrier, including a carrier owned or controlled by the manufacturer, for shipment to the purchaser.

(7) "Purchaser of the same class" refers to the practice adopted by the manufacturer in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(8) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading and other documents.

(9) "Offering price" means the price quoted in the manufacturer's price list, or, if there is no such price list, the price regularly quoted by the manufacturer in any other manner. But "offering price" shall not be deemed to include a price intended to withhold a commodity from the market, or any price offered as a bargaining price by a manufacturer who usually sells at a price lower than his asking price.

(10) "Waxed paper" includes the following classes of waxed paper products and variations thereof: Bread wraps, carton wraps, cutter box papers, delicatessen papers, waxed glassine and greaseproof, plain waxed papers, twisting tissue, waxed kraft, and waxed tissue.

(11) "Envelopes" includes all types and varieties of envelopes, excluding those made of specialty papers or wholly of transparent materials.

(12) "Paper cups, paper containers, and liquid tight containers" includes all types of cups and containers, except those referred to as paper milk bottles.

(13) "Sanitary closures and milk bottle caps" includes all types of paper products used as caps or hoods for milk bottles.

(14) "Drinking straws" includes drinking straws made from all types of paper or transparent materials.

(15) "Gummed papers" includes all types of paper and cloth materials gummed and sold in sheets or rolls.

(16) "Tags, pin tickets and marking machine tickets" includes all types of shipping, merchandise, and system tags, pin tickets, and all types of retail and industrial marking machine tickets, excluding shade tickets.

(17) "Standard grocer's and variety bags" includes all types of grocer's bags (squares, flats, self-opening (automatic), and sacks), millinery and notion bags, liquor bottle bags, banana bags, candy bags, doughnut bags, garment and pants bags, laundry bags, nail bags, shopping bags and sugar bags, excluding bags made of specialty papers and transparent material.

(18) "Resale book matches" includes all paper matches manufactured in books and sold by the manufacturer.

(19) "Bleached or unbleached sulphate fibre" consists of fibre, either virgin or reclaimed, produced by the sulphate process from either coniferous or broadleaf wood, either unbleached or bleached to a G. E. brightness of less than 50. If brighter than G. E. 50, it shall be considered as bleached sulphate.

(20) "No. 1 Kraft Wrapping Paper" includes any wrapping paper 18# basis weight or over, containing 100% unbleached sulphate fibre and testing 90% or more of the basis weight Mullen Test under Standard TAPPI testing procedure. All rolls or bundles of sheets must be stencilled or labeled with a designation including the words, "No. 1 Kraft".

(21) "Standard Kraft Wrapping Paper" includes any wrapping paper 18# basis weight or over, containing 50% or more unbleached sulphate fibre and testing less than 90% of the basis weight Mullen Test under Standard TAPPI testing procedure.

(22) "Imitation Kraft Wrapping Paper" includes any wrapping paper 18# basis weight or over, containing more than 60% of any one or any combination of the following: wastepaper, groundwood or screenings.

(23) "Standard Kraft Bag Paper" includes any paper 18# basis weight or over, containing 50% or more unbleached sulphate fibre testing less than 90% Mullen Test under Standard TAPPI testing procedure and shipped in rolls of 24" or more outside diameter for conversion into bags.

(24) "Basis weight" means the weight of 500 sheets, 24 x 36 (total area, 432,000 square inches).

(b) Unless the text otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1347.23 *Applicability.* The provisions of this Maximum Price Regulation No. 29 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1347.24 *Effective date.* This Maximum Price Regulation No. 129 (§§ 1347.11 to 1347.24, inclusive) shall become effective May 11, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3799; Filed, April 28, 1942;
3:54 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 32¹—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

A Statement of the Considerations involved in the issuance of this Amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register. Section 1347.59 (f) is amended; and §§ 1347.61 (g) and 1347.62 (g) are added; and § 1347.63 is redesignated as § 1347.64 and amended, and a new § 1347.62 is added as set forth below:

§ 1347.59 *Definitions.*

(f) "Paperboard" means all kinds, grades, types, calipers, colors and patterns of paperboard.

§ 1347.61 *Appendix A: Maximum prices for paperboard used in the manufacture of folding paper cartons, set-up boxes, or for any other purposes, sold east of the Rocky Mountains.*

(g) The following additional charges may be added to the maximum prices set forth hereinabove for paperboard described hereinabove which has been additionally processed as follows:

(1) *Special size, special white, special color, special sizing, special test, or other special characteristics or requirements.* The prices and differentials set forth in paragraphs (a), (b), (c) and (d) of this section cover the types of paperboard described therein or slight variations thereof. For special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements involving an extra cost, the maximum price shall be determined by adding to the maximum price, as established by paragraphs (a), (b), (c), and (d) of this section for the particular type of paperboard involved, an extra charge therefor as follows:

(i) For items sold or contracted to be sold at a definite price by the producer during the period of October 1, 1940 to October 15, 1941, inclusive, the extra charge added shall not exceed the highest extra charge added during such period to the base price of such paperboard of comparable quantity, for the special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements, if not otherwise specifically provided for in this section.

(ii) For items not sold or contracted to be sold at a definite price by the producer during such period, the extra charge added shall not exceed the highest list price therefor effective during such period. If no list price for such extra charge was in effect during such period, application for approval of a proposed extra charge shall be made to the Price Administrator. When submitting such extra charge to the Price Administrator for approval, an affidavit made by the producer or by an officer or partner of the producer, shall be submitted, containing complete data on the extra cost involved, including complete price and cost data in the manner and form required by the Price Administrator on one or more comparable items described in this Section and sold or contracted to be sold at a definite price by the producer during such period: *Provided, however,* That invoices may be issued at a price not in excess of the appropriate maximum price for the particular type of paperboard involved as established by paragraphs (a), (b), (c), and (d) of this section, subject to a provision that an adjustment of such price may be made to cover any extra charge approved by the Price Administrator as provided in this paragraph.

§ 1347.62 *Appendix B: Maximum prices for paperboard used in the manufacture of fibre boxes (corrugated or solid fibre), sheets (corrugated or solid fibre), single faced rolls, or for any other purposes, sold east of the Rocky Mountains.*

(g) The following additional charges may be added to the maximum prices set forth hereinabove for paperboard described hereinabove which has been additionally processed as follows:

(1) *Special size, special white, special color, special sizing, special test, or other special characteristics or requirements.* The prices set forth in paragraphs (a), (b), (c), (d) and (e) of this section cover the types of paperboard described therein or slight variations thereof. For special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements involving an extra cost, the maximum price shall be determined by adding to the maximum price, as established by paragraphs (a), (b), (c), (d), and (e) of this section for the particular type of paperboard involved, an extra charge therefor as follows:

(i) For items sold or contracted to be sold at a definite price by the producer during the period of October 1, 1940 to October 15, 1941, inclusive, the extra charge added shall not exceed the highest extra charge added during such period to the base price of such paperboard of comparable quantity, for the special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements, if not otherwise specifically provided for in this section.

(ii) For items not sold or contracted to be sold at a definite price by the producer during such period, the extra charge added shall not exceed the highest list price therefor effective during such period. If no list price for such extra charge was in effect during such period, application for approval of a proposed extra charge shall be made to the Price Administrator. When submitting such extra charge to the Price Administrator for approval, an affidavit made by the producer or by an officer or partner of the producer shall be submitted, containing complete data on the extra cost involved, including complete price and cost data in the manner and form required by the Price Administrator on one or more comparable items described in this Section and sold or contracted to be sold at a definite price by the producer during such period: *Provided, however,* That invoices may be issued at a price not in excess of the appropriate maximum price for the particular type of paperboard involved as established by paragraphs (a), (b), (c), (d), and (e) of this section, subject to a provision that adjustment of such price may be made to cover any extra charge approved by the Price Administrator as provided in this paragraph.

§ 1347.63 *Appendix C: Maximum prices for paperboard and specially paperboard not covered by §§ 1347.61 and*

¹ 7 F.R. 1264, 2740.

1347.62, sold east of the Rocky Mountains, shall apply to the following:

(a) *Classifications:*

- (1) Tag stocks and file folder stocks.
- (2) Press board, imitation press board and paperboards used in the manufacture of electrical equipment.
- (3) Bogus bristols and mill blanks.
- (4) Fibreboard used in the manufacture of footwear, and leatherboard for any purpose.
- (5) Container boards used for foods and purposes other than foods, limited to:
 - (i) Milk bottle stock.
 - (ii) Milk bottle cap stock.
 - (iii) Liquid tight can stock.
 - (iv) Solid bleached boards.
 - (v) Bleached lined solid manila board.
 - (vi) Double bleached lined solid manila board.
 - (vii) Solid manila board.
 - (viii) Solid wood pulp boards.
- (6) Paperboard for egg fillers, egg flats and molded pulp packing material for eggs.
- (7) Binders board.
- (8) Clay coated folding boxboard and clay coated cardboard.
- (9) Screening board.
- (10) Miscellaneous specialty paperboards not covered elsewhere in this agreement.

(b) *Maximum prices for paperboard and specialty paperboard listed in paragraph (a) above.* (1) For paperboard and specialty paperboard sold or contracted to be sold at a definite price by the producer during the period of October 1, 1940, to October 15, 1941, inclusive, the maximum price shall be the highest price per ton or per thousand square feet charged by the producer for items of the same or comparable quantity during such period, subject to the following qualifications:

- (i) If the price was on an f. o. b. mill basis, such price shall be the maximum price;
- (ii) If the price was on a delivered basis, or f. o. b. the mill with full freight allowed, such price shall be the maximum price to the same or similarly located purchaser: *Provided, however,* That if the price was on a delivered basis by zones, the highest price in each zone shall be the maximum price for such zone, and the producer shall continue to make sales of such item or items on whichever basis he employed during such period;
- (iii) If the price was on a basis of partial freight allowance to the purchaser, the highest price charged on such basis by the producer during such period shall be the maximum price to the same or similarly located purchaser, provided the producer continues to make partial freight allowances in the same amounts and upon the same basis employed during such period.

An additional charge for packaging or packing such items may be made providing such charge does not exceed the highest charge added during such period to items of the same or comparable quantity.

(2) For paperboard or specialty paperboard not sold during such period, the maximum price shall be the highest list price therefor effective during such period. If no such list price was in effect during such period, an application for approval of the proposed price shall be made to the Price Administrator. When submitting a proposed maximum price to the Price Administrator for approval, an affidavit made by the producer or by an officer or partner of the producer, shall be submitted, containing complete price and cost data in the manner and form requested by the Price Administrator on one or more comparable items sold or contracted to be sold at a definite price by the producer during such period, establishing that such proposed maximum price is consistent with the general price level of the producer during such period.

§ 1347.64 *Sales for export.* The maximum price at which a producer may sell or deliver paperboard for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

§ 1347.69a *Effective dates of amendments.*

(b) Amendment No. 2 (§§ 1347.59 (f), 1347.61 (g), 1347.62 (g), 1347.63, 1347.64) shall become effective May 11, 1942. (Pub. Law 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3784; Filed, April 23, 1942; 3:41 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

MAXIMUM PRICE REGULATION NO. 130—
STANDARD NEWSPRINT PAPER

Sec.

- 1347.271 Maximum prices for standard newsprint paper.
1347.272 Less than maximum prices.
1347.273 Federal and State taxes.
1347.274 Adjustable pricing.
1347.275 Evasion.
1347.276 Records.
1347.277 Reports.
1347.278 Enforcement.
1347.279 Petitions for Amendment.
1347.280 Definitions.
1347.281 Effective date.
1347.282 Appendix A.

In the judgment of the Price Administrator the price of Standard Newsprint Paper is threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the price of Standard Newsprint Paper prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 130 is hereby issued.

AUTHORITY: §§ 1347.271 to 1347.282, inclusive, issued pursuant to Pub. Law 421, 77th Cong.

§ 1347.271 *Maximum prices for standard newsprint paper.* On and after May 11, 1942, in the continental limits of the United States, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver Standard Newsprint Paper, and no consumer shall buy or receive Standard Newsprint Paper in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1347.282; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of Standard Newsprint Paper to a purchaser if prior to April 1, 1942, such Standard Newsprint Paper had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser, or to agreements for the sale of Standard Newsprint Paper made by an exporter at prices in excess of the maximum prices herein established, which may be completed at the agreed price in excess of such maximum prices to the extent that, prior to April 1, 1942, (a) the shipment of Standard Newsprint Paper from a supplier to the exporter has been made pursuant to such agreement, and (b) the exporter had entered into an agreement for the sale of such Standard Newsprint Paper: *Provided,* That the exporter shall keep the following records: The date, amount, and price of the Standard Newsprint Paper that was shipped by the manufacturer, the name of the manufacturer and the purchaser from the exporter, the date of the contract which is being completed, and the contract price.

§ 1347.272 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1347.282) may be charged, demanded, paid, or offered.

§ 1347.273 *Federal and State taxes.* There may be added to the maximum price established by this regulation the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (a) such statute or ordinance requires the vendor to state the tax, sep-

¹ 7 FR. 971.

arately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (b) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (c) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1347.274 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1347.275 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 130 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to Standard Newsprint Paper, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1347.276 *Records.* (a) Every person making a purchase or sale of Standard Newsprint Paper in the course of trade or business, or otherwise dealing therein, after May 11, 1942, shall keep records for inspection by the Office of Price Administration for a period of 2 years, which records shall include, with respect to each purchase or sale of Standard Newsprint Paper:

- (1) The date of such purchase or sale;
- (2) The name of the buyer or seller;
- (3) The quantity of Standard Newsprint Paper bought or sold, whether such paper was bought or sold in sheets, square cuttings, or rolls, the color thereof, whether special packaging was required, and if so, the nature of such special packaging.
- (4) The basis on which such Standard Newsprint Paper was bought or sold; i. e., whether f. o. b. a. s., c. i. f., or delivered, and the f. o. b., f. a. s., c. i. f., or delivered point.
- (5) The price paid or received at the particular f. o. b., f. a. s., c. i. f., or delivered point involved in the purchase or sale, including, as separate items, any costs of transportation, brokerage, or delivery, or any other costs, incurred by the person keeping the record.
- (6) The mark-up or discount, if any, paid or received, and in the case of exports, any additional charges and commissions paid or received.

§ 1347.277 *Reports.* Persons required to keep records shall submit such re-

ports to the Office of Price Administration and keep such other records in addition to or in place of the required in § 1347.276 (a) as the Office of Price Administration may from time to time require or permit.

§ 1347.278 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 130 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 130 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.279 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 130 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1347.280 *Definitions.* (a) When used in this Maximum Price Regulation No. 130, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Standard newsprint paper" includes the form, class, or standard of newsprint paper manufactured and sold, irrespective of its actual use, for use for printing newspapers, and conforming to the following specifications:

(i) *Weight.* 500 Sheets, each 24 x 36 inches, shall weigh not less than 30 pounds nor more than 35 pounds.

(ii) *Rolls.* The paper shall be in rolls not less than 16 inches wide and 28 inches in diameter.

(iii) *Sheets.* The sheets shall not be less than 20 x 30 inches in size.

(iv) *Stock.* The paper shall contain fiber consisting of not less than 70 per cent of groundwood, and the remainder chemical pulp.

(v) *Finish.* The average of five tests in machine direction and five tests in cross direction on both sides, moving the paper after each test, made with the Ingersoll Glarimeter, shall be not more than 50 per cent gloss.

(vi) *Ash.* The ash content of the paper shall not be in excess of 6.5%.

(vii) *Degree of sizing.* The time of transudation of water shall not be more than ten seconds by the groundglass method or five seconds by the alternate method (Valley Size Tester or curl method).

(viii) *Color.* The paper shall consist of such colors as are used in the publication of newspapers.

(ix) *Thickness.* The thickness of the paper shall not be in excess of 0.004 of an inch, with a five per cent tolerance.

(3) "Manufacturer" includes any person who manufactures standard newsprint paper, and any person who distributes or sells standard newsprint paper as a del credere agent or other representative of a manufacturer.

(4) "Merchant or distributor" includes any person who buys standard newsprint paper in any quantity from a manufacturer or other seller, and who, without converting the same, resells such paper, but does not divide in any manner or degree with any manufacturer or other merchant or distributor the difference between the amount paid for the paper and the price at which it is sold.

(5) "Converter" means a person who reprocesses rolls of standard newsprint paper not manufactured by him into different rolls or into sheets, or who converts sheets of such paper into smaller sheets, and thereafter resells such rolls or sheets in the form into which it has been converted by him.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1347.281 *Effective date.* This Maximum Price Regulation No. 130 (§§ 1347.271 to 1347.282, inclusive) shall become effective on May 11, 1942.

§ 1347.282 *Appendix A: Maximum prices for standard newsprint paper.*

(a) (1) The maximum price² per ton of 2,000 pounds in sales by manufacturers for a carload lot of white standard newsprint paper, as defined in § 1347.280, to be shipped in rolls to destinations in Zone 4³ shall be \$51.00. The prices herein are the maximum prices f. o. b. mill, lowest carload rate of freight allowed to destination point. Lowest carload rate of freight means the lowest freight rate for shipment of carload quantities by the means of transportation available at the time of shipment.

(2) For shipments of white standard newsprint paper in rolls to destinations in zones other than Zone 4, zone price differentials prevailing during the period from October 1, 1941 to October 15, 1941, inclusive, in the appropriate case, shall be subtracted from or may be added to, \$51.00 per ton of 2,000 pounds.

(b) *Manufacturers' differentials for color and sheets.* Manufacturers may add to the maximum prices established herein price differentials for color, sheets, the squaring of sheets, or special packing equivalent to the differentials actually charged in sales by the manufacturer of standard newsprint paper

² Newsprint paper varying only in dimensions above the minima stipulated in § 1347.280 for rolls or sheets shall be classified as Standard Newsprint Paper and subject to the maximum prices established herein.

³ The zones referred to herein are the zones numbered and defined in the Zone Map referred to as "Schedule A" in the Recommendations by the Newsprint Code Authority to the Administrator of the National Recovery Administration.

during the period from October 1, 1941, to October 15, 1941, inclusive. If no such sale was made during such period, there may be added to the maximum prices the price differentials which would have been charged during such period using such cost factors as would have been used to compute such differentials during the period from October 1, 1941 to October 15, 1941, inclusive.

(c) *Imports.* The maximum prices established herein are applicable to all imports of standard newsprint paper.

(d) *Merchants' or distributors' maximum selling prices—(1) For sheets.* The maximum price at which a merchant or distributor may sell standard newsprint paper in sheets not converted by a converter shall not exceed the maximum price established hereinabove for standard newsprint paper in sheets, plus the following mark-ups:

Quantity	Percentage of maximum price ^a established in paragraphs (a), (b), and (c)
1 ream ^b to less than 1 bundle ^c	100
1 bundle to less than 500 pounds.....	90
500 pounds to less than 2,000 pounds.....	50
2,000 pounds to less than 5,000 pounds.....	30
5,000 pounds to less than 10,000 pounds.....	20
10,000 pounds to less than 40,000 pounds.....	15
40,000 pounds or more.....	7

(2) *For rolls.* A merchant or distributor shall not sell standard newsprint paper in rolls not converted by a converter at a price in excess of the maximum price established in this paragraph for such paper in sheets less the differential for sheets as provided in paragraph (b) above.

(3) *For sales from a merchant's or distributor's warehouse stocks.* The maximum price at which a merchant or distributor may sell standard newsprint paper not converted by a converter from its warehouse stocks is the maximum price established in this paragraph (d) f. o. b. such seller's warehouse.

(4) *For sales involving shipment from the manufacturer to a person purchasing from a merchant or distributor.* The maximum price at which a merchant or distributor may sell standard newsprint paper to be shipped by the manufacturer directly to the person purchasing from such merchant or distributor is the maximum price established hereinabove for shipments by such manufacturer to such purchaser plus the merchant's or distributor's mark-up provided for hereinabove.

(5) *For sales to other merchants or distributors.* The maximum price at which a merchant or distributor may sell

^aAll prices in quantities of less than 2,000 pounds may be computed to the nearest 25¢ per cwt., e. g. 12.5¢ per cwt. may be taken as 25¢ per cwt. In quantities of 2,000 pounds and over, prices may be computed to the nearest 5¢ per cwt., e. g. 2.5¢ may be taken as 5¢ per cwt.

^bSales in lots of less than one ream may be made at a price not in excess of the one ream price per pound plus 50%. One ream of newsprint is a sealed or banded package containing 500 sheets of newsprint paper.

^cOne bundle of newsprint is a unit of measure of newsprint paper weighing approximately 125 pounds.

standard newsprint paper not converted by a converter to another merchant or distributor for resale shall not exceed the maximum prices established for sales by merchants or distributors hereinabove, less the following discounts:

Quantity	Discount (Percent)
1 ream to less than 1 bundle.....	24
1 bundle to less than 500 pounds.....	23
500 pounds to less than 2,000 pounds.....	16
2,000 pounds to less than 5,000 pounds.....	11
5,000 pounds to less than 10,000 pounds.....	8
10,000 pounds to less than 40,000 pounds.....	6
40,000 pounds or more.....	3

(6) *For sales of standard newsprint paper converted into rolls or sheets by a converter.* The maximum price at which a merchant or distributor may sell standard newsprint paper that has been converted by a converter, shall not exceed the maximum price which a converter could charge in accordance with (e) (1) of this section without deduction of the discount set forth in (e) (2).

(e) *Converters' maximum selling prices—(1) For converted rolls and sheets.* The maximum price at which a converter may sell standard newsprint paper converted by him shall not exceed the maximum price established by this Maximum Price Regulation No. 130 which the converter may pay a manufacturer, plus the difference between the cost of standard newsprint paper to the converter in the period October 1 to October 15, 1941, and the highest price charged by the converter for a similar quantity of similarly converted standard newsprint paper sold to a purchaser of the same general class in said period. If the converter sold no converted standard newsprint paper in that period, then the maximum price for such converted standard newsprint paper shall not exceed the maximum price established by this Maximum Price Regulation No. 130 which the converter may pay a manufacturer, plus the difference between the highest price charged by the nearest competitor of such converter for a similar quantity of similarly converted standard newsprint paper in the period October 1 to October 15, 1941, and the prevailing price of standard newsprint paper delivered to such converter during said period.

(2) *For sales to merchants or distributors.* The maximum price at which a converter may sell converted standard newsprint paper to a merchant or distributor for resale, shall not exceed the maximum prices established in (e) (1) of this section, less the discounts established in (d) (5) of this section.

(f) *Exports.* The maximum price at which any person may sell or deliver standard newsprint paper for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3797; Filed, April 28, 1942;
3:55 p. m.]

PART 1361—FARM EQUIPMENT

MAXIMUM PRICE REGULATION NO. 133—RETAIL PRICES FOR FARM EQUIPMENT

In the judgment of the Price Administrator retail prices of farm equipment have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of farm equipment prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 133 is hereby issued.

AUTHORITY: §§ 1361.1 to 1361.10, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1361.1 *Prohibition against sales at higher than maximum prices.* (a) On and after May 11, 1942, regardless of any contract, agreement, lease or other obligation, no retail dealer shall sell or deliver, and no person shall in the course of business buy or receive from a retail dealer, any farm equipment at prices higher than the maximum prices set forth in § 1361.3; and no person shall offer or attempt to do any of the foregoing.

(b) There may be added to the maximum prices established by this Maximum Price Regulation No. 133 the amount of any state or local sales, use, or gross receipts tax required or permitted to be paid by the purchaser: *Provided*, That the amount of such tax is stated separately on the invoice or sales check given to the purchaser.

§ 1361.2 *Less than maximum prices.* Lower prices than those set forth in § 1361.3 may be charged, demanded, paid or offered.

§ 1361.3 *Maximum prices—(a) New complete equipment with suggested retail price.* The maximum price applicable to the sale at retail of any new complete farm equipment for which the manufacturer has issued a suggested retail price shall be the sum of the following:

(1) The suggested retail price f. o. b. factory.

¹7 FR. 971.

(2) An allowance for transportation calculated on the basis of the average combined freight rate per hundred-weight from factory to dealer for complete farm equipment of the same general type¹: *Provided*, That where shipments are customarily made via branch or transfer point, this allowance shall not exceed carload freight from factory to branch or transfer point, plus third-class less-than-carload rate from branch or transfer point to dealer, the branch or transfer point selected being that which will give the lowest combined freight from factory to dealer.

(3) The manufacturer's handling charge paid by the dealer if not included in the manufacturer's charge for freight.

(4) An allowance for dealer's handling not to exceed the sum of the following:

(1) 5% of the manufacturer's suggested retail price f. o. b. factory up to \$400, plus 2% of the amount by which the suggested retail price exceeds \$400;

(2) For each truck trip required for delivery to a purchaser located more than thirty road miles from the dealer, ten cents for each mile going and coming outside the thirty mile zone, on the basis of the most direct route; *Provided*, That a reduction equivalent to the dealer's cost of the service shall be made in the maximum allowance for dealer's handling if any of the following services is not performed: (a) Erection of equipment; (b) Installation of all attachments; (c) Delivery of new equipment and carrying away trade-in equipment; (d) Gasoline and oil placed in equipment.

(5) A charge for special installation of fixed equipment, if such installation is required, not to exceed the charge customarily made for such installation on or before April 1, 1942: *Provided*, That such installation charge shall take the place of, and not be in addition to, the allowance for dealer's handling (subparagraph (4) of this section).

(6) The amount of any federal excise tax billed separately by the manufacturer and stated by the manufacturer not to be included in the suggested retail price.

(b) *New parts with suggested retail prices.* The maximum price applicable to the sale at retail of any new farm equipment part for which the manufacturer has issued a suggested retail price shall be the suggested retail price plus actual freight cost from factory to dealer, and any extra expense in connection with the sale, such as long distance tele-

phone calls, incurred at the request of the purchaser.

(c) *New complete equipment and parts without suggested retail prices.* The maximum price applicable to the sale at retail of any new complete farm equipment or part for which the manufacturer has not issued a suggested retail price shall be the net price in effect on April 1, 1942, (including all extra charges, but not including any sales, use or gross receipts tax), or, if there was no such price in effect for the item on April 1, 1942, shall be the net cost of the item to the dealer, plus a percentage mark-up equal to the percentage mark-up on the most nearly comparable equipment or part for which a manufacturer has issued a current suggested retail price.

(d) *Trade-in equipment.* The maximum price applicable to the sale by a dealer of any trade-in equipment shall be the sum of the following:

(1) The trade-in allowance or purchase price paid for such equipment.

(2) 5% of such trade-in allowance or purchase price.

(3) The maximum prices herein specified for such parts as are needed and used in reconditioning the equipment.

(4) A charge for the labor needed and used in reconditioning, not to exceed the amount which would customarily be charged by such dealer to a regular customer for the same work if performed as a service.

(e) *Repossessed or purchased equipment.* The maximum price applicable to the sale of any farm equipment which has been repossessed or which has been purchased from anyone other than a manufacturer or jobber, but which is not trade-in equipment, shall be the sum of the following:

(1) The purchase price paid or, in the case of a repossessed item, the balance due to the dealer or to the finance company.

(2) 25% of such purchase price or balance due.

(3) The maximum prices herein specified for such parts as are needed and used in reconditioning the equipment.

(4) A charge for the labor needed and used in reconditioning, not to exceed the amount which would customarily be charged by such dealer to a regular customer for the same work if performed as a service.

§ 1361.4 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 133, shall not be evaded directly or indirectly by way of any commission; by way of excessive charges for service; by way of any change in discounts or terms or conditions of sale; by reducing the services provided during warranty period in accordance with factory policy; by reducing "free" services customarily provided; by removing any standard auxiliary equipment or in any other way lowering the quality of any equipment sold; by requiring the buyer to purchase any optional equipment, or to pay for any services not

desired, or to agree to trade-in used equipment in part payment of the purchased price; by refusing to sell equipment for cash; by making arrangements with other dealers for the exchange of trade-in equipment so as to increase the profits obtainable from the resale of trade-in equipment; by undervaluing goods other than farm equipment received in trade; by selling through an agent or auctioneer at higher than maximum prices; or by any other hidden or indirect price increases.

§ 1361.5 *Itemized invoices.* (a) In connection with every sale of new complete farm equipment for which there is a suggested retail price, every retail dealer shall supply to the purchaser an invoice or sales check containing a separate statement of the following items:

(1) The suggested retail price.

(2) The charge for freight and manufacturer's handling.

(3) The charge for dealer's handling, or the charge for special installation, if any.

(4) The charge for delivery beyond the thirty-mile zone, if any.

(5) The amount of excise tax, if any, billed separately to the dealer by the manufacturer.

(6) The amount of sales, use, or gross receipts tax, if any, required or permitted to be paid.

§ 1361.6 *Records and reports.* (a) Every retail dealer shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each sale of farm equipment showing the date thereof, the make and model or part number, the total price received, and a copy of the invoice or sales check given to the customer. Whenever trade-in equipment is received in part payment of the purchase price of equipment, the dealer shall keep attached to the record of the original sale a complete record of the ensuing sales of trade-in equipment.

(b) Retail dealers shall submit such reports and shall keep such other records, in addition to or in the place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require in writing.

§ 1361.7 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 133 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 133 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1361.8 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 133 or an adjustment or exception not provided for therein may file petitions for

¹ Where shipments of complete farm equipment of the same general type have been received by rail or by truck from the same factory in the 3-month period immediately preceding the month in which the sale occurs, the "average combined freight rate per hundredweight" shall be the average rate for the preceding 3-month period. When there have been no shipments of equipment of the same general type in the preceding 3-month period, the "average combined freight rate per hundredweight" shall be the average rate for the current month, up to the date of the sale in question. For the purposes of this paragraph, all farm equipment which is classified in any one l. c. l. freight class may be considered as of the same general type.

amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1361.9 *Definitions.* (a) When used in this Maximum Price Regulation No. 133, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Retail dealer" means any person engaged in the business of selling farm equipment to users.

(3) "Farm equipment" means any mechanical equipment, attachment or part used primarily in connection with the production and farm processing for market and farm use of agricultural products, but does not include automobiles, trucks, general purpose tools, building materials, electrical equipment (except fence controllers), sprays or other chemicals, commercial processing machinery, livestock, seeds, feeds or any other agricultural products. A partial list of "farm equipment" follows: farm and garden tractors; planting, seeding and fertilizing machinery; plows and listers; harrows, rollers, pulverizers, and stalk cutters; cultivators and weeder; harvesting machinery (combines, binders, pickers, potato diggers, pea and bean harvesters, beet lifters, etc.); haying machinery (mowers, rakes, hayloaders, stackers, balers, etc.); dairy farm equipment (milking machines, farm milk coolers, farm cream separators, etc.); poultry farm equipment (incubators, brooders, feeders, waterers, etc.); beekeepers' supplies; agricultural spraying equipment; barn and barnyard equipment; electric fence controllers; farm pumps and water systems; windmills; windmill generating sets; farm grain elevators, grain bins, corn cribs and silos; circular wood-sawing machines intended for farm use; machines for farm processing for market or farm use (farm size cane mills, cider mills, corn shellers, corn huskers and shredders, ensilage cutters, feed cutters, feed grinders and crushers, fruit presses, grain cleaners and graders, grain threshers, hammer mills, hay presses, peanut pickers, potato sorters and graders, syrup evaporators, etc.); buggies and farm wagons; harness and saddlery; and attachments and parts for all the foregoing.

(4) "Complete farm equipment" includes any item of farm equipment which is a complete unit in itself although it may be used only in conjunction with other farm equipment.

(5) "Part" means any component part of, or attachment for, complete farm equipment.

(6) "Trade-in equipment" means any farm equipment accepted as partial payment for new or used equipment, or purchased from a person to whom the dealer has sold either new or used farm equip-

ment of the same or greater value within a period of six months before or after such purchase.

(7) "Sale at retail" means any sale to a user.

(8) "Suggested retail price" means the price stated in the manufacturer's current list of suggested or recommended retail prices *f. o. b. factory*, whether or not such list price is in the possession of the dealer; in the case of mail-order houses, the "suggested retail price" is the catalog price *f. o. b. factory*.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1361.10 *Effective date.* This Maximum Price Regulation No. 133 (§§ 1361.1 to 1361.10, inclusive) shall become effective May 11, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3801; Filed April 23, 1942; 3:53 p. m.]

PART 1367—FERTILIZERS

MAXIMUM PRICE REGULATION NO. 135— MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

Sec.

- 1367.31 Maximum prices for mixed fertilizer, superphosphate and potash.
- 1367.32 Less than maximum prices.
- 1367.33 Adjustable pricing.
- 1367.34 Evasion.
- 1367.35 Records and reports.
- 1367.36 Enforcement.
- 1367.37 Sales for export.
- 1367.38 Petitions for amendment.
- 1367.39 Definitions.
- 1367.40 Effective date.

In the judgment of the Price Administrator the prices of mixed fertilizer, superphosphate and potash are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of mixed fertilizer, superphosphate and potash prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Maximum Price Regulation No. 135.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Reg-

ulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 135 is hereby issued.

AUTHORITY: §§ 1367.31 to 1367.40, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1367.31 *Maximum prices for mixed fertilizer superphosphate and potash.*

(a) On and after April 23, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer at prices higher than the maximum prices established herein, and no person shall agree, offer, solicit or attempt to make such a sale or delivery.

(b) (1) The maximum price shall be the price as set forth in either (i) (a) of the written or printed price schedule or list last issued, prior to February 21, 1942, and effective for any portion of the period from and including February 16, 1942, to and including February 20, 1942, by the manufacturer of the mixed fertilizer, superphosphate or potash being sold or at the option of the person making the sale (including a dealer, agent or other person), (b) the written or printed schedule or list last issued, circulated or displayed, prior to February 21, 1942, and effective for any portion of the period from and including February 16, 1942, to and including February 20, 1942, by the person making the sale (including a dealer, agent or other person). This price shall be the price stated in such schedule or list for a sale (ii) (a) to a consumer in the same locality, (b) of the same quantity, grade and kind of mixer fertilizer, superphosphate or potash, (c) delivered in the same type of container or bag, (d) under the same terms of payment (time, cash, discounts, etc.), and (e) by the same methods and under the same conditions of delivery.

(2) Instead of the maximum price set forth in paragraph (b) (1) of this section, the maximum price may be the "average price" charged either by the manufacturer of the mixed fertilizer, superphosphate or potash being sold, or by the person making the sale (including a dealer, agent or other person), upon "sales of the same type" for the period from and including February 16, 1942, to and including February 20, 1942, minus any customary allowances for transportation or otherwise. The "average price" shall be the price obtained by dividing the total of the prices charged during that five-day period upon "sales of the same type" (before deduction of any transportation or other allowances) by the amount of goods so sold. "Sales of the same type" means sales (i) to a consumer in the same locality, (ii) of the same quantity, grade and kind of mixed fertilizer, superphosphate or potash, (iii) delivered in the same type of container or bag, (iv) under the same terms of payment (time, cash, discounts, etc.), and (v) by the same methods and under the same conditions of delivery.

¹ 7 FR. 971.

The manufacturer or other person making the sale (including a dealer or an agent) may use either the maximum price established by this subparagraph (2) or the maximum price established by subparagraph (1).

(3) If there is no applicable maximum price under either subparagraph (1) or (2), then the maximum price shall be the price as set forth in the written or printed price schedule last issued, prior to February 21, 1942, and effective for any portion of the period from and including February 16, 1942, to and including February 20, 1942, by any manufacturer of mixed fertilizer, superphosphate or potash. This price shall be the price stated in such schedule or list for a sale (i) to a consumer in the same locality, (ii) of the same quantity, grade and kind of mixed fertilizer, superphosphate or potash, (iii) delivered in the same type of container or bag, (iv) under the same terms of payment (time, cash, discounts, etc.), and (v) by the same methods and under the same conditions of delivery.

(4) If there is no applicable maximum price under either subparagraph (1), (2), or (3), then the maximum price shall be a price in line with the level of maximum prices established by this Maximum Price Regulation No. 135. Such price shall be determined in accordance with the following procedure:

There shall be submitted to the Office of Price Administration an application containing a description of the mixed fertilizer, superphosphate or potash for which a maximum price is not provided and stating the proposed maximum price therefor, which must be in line with the maximum price for a comparable quantity, grade and kind of mixed fertilizer, superphosphate or potash sold to a consumer in the same locality under the same terms of payment and delivered under the same conditions in the same or comparable type of containers or bags. If within 10 days of the mailing of such application, such price has not been disapproved by the Office of Price Administration, such applicant may sell, offer for sale, deliver or transfer such mixed fertilizer, superphosphate or potash at the proposed maximum price. Notwithstanding that the Office of Price Administration does not disapprove such price within such 10 day period, it may at a later time disapprove such price or require a modification thereof on such terms and conditions as it deems advisable. All deliveries to a consumer or received by a carrier other than a carrier owned or controlled by the person making the sale (including a dealer, agent or other person) for shipment to a consumer, after the expiration of such 10 day period but prior to such disapproval or requirement of modification shall not be affected by such later action on the part of the Office of Price Administration disapproving or modifying such maximum price.

(c) No person shall establish terms of payment or conditions of delivery in connection with the sale of mixed fertilizer, superphosphate or potash, in quantities

of 250 pounds or more, to a consumer, more onerous than those in effect or available to such consumer for the period from and including February 16, 1942, to and including February 20, 1942.

(d) The provisions of this section shall not be applicable to sales or deliveries to consumers of mixed fertilizer, superphosphate or potash, received prior to April 28, 1942, by a carrier, other than a carrier owned or controlled by the person making the sale (including a dealer, agent or other person) for shipment to a consumer.

As to all sales of mixed fertilizer, superphosphate or potash not covered by this regulation reference is made to General Maximum Price Regulation issued April 28, 1942.

§ 1367.32 *Less than maximum prices.* Lower prices than those set forth in § 1367.31 above may be charged, demanded, paid or offered.

§ 1367.33 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1367.34 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 135 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of mixed fertilizer, superphosphate or potash, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding.

§ 1367.35 *Records and reports.* (a) Every person (including a dealer, agent or other person) making a sale of mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer after April 28, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such sale, showing the date thereof; the name and address of the buyer; of the person (including an agent) making the sale, and of the manufacturer of the mixed fertilizer, superphosphate or potash; the quantity, grade and kind of the mixed fertilizer, superphosphate or potash sold; the bags or containers in which delivered; the price charged or received therefor; the terms of payment (time, cash, discounts, etc.); and the method and conditions of delivery.

(b) Not later than May 20, 1942, every person or manufacturer of mixed fertilizer, superphosphate or potash, who is engaged in the business of selling the same to consumers, whether by or through any agent or other person, except those persons or manufacturers who have heretofore done so, shall file with the Office

of Price Administration in Washington, D. C., one copy of each and every written or printed price schedule, whether temporary or permanent, issued by him in connection with the sale thereof to consumers from and after November 1, 1940, together with all written or printed amendments and supplements to any of such schedules; and each such person shall continue, until further notice, to file with the Office of Price Administration in Washington, D. C., one copy of any and all such price schedules, and supplements and amendments thereto, whose issuance is thereafter contemplated, at least five (5) business days prior to the contemplated effective date thereof. Neither such filing, nor the failure to object to the contents thereof, shall constitute authorization therefor, or approval thereof, by the Office of Price Administration.

Persons affected by this Maximum Price Regulation No. 135 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.

§ 1367.36 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 135 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 135 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1367.37 *Sales for export.* The maximum price at which a person may sell or deliver any commodity for export, shall be determined in accordance with the provisions of Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

§ 1367.38 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 135 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1367.39 *Definitions.* (a) When used in this Maximum Price Regulation No. 135, the term:

(1) "Person" includes an individual, corporation, partnership, association, farmers' or consumers' cooperative or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person who produces, mixes, or processes, or who markets for his own account and under his own brand or trade name, mixed fertilizer, superphosphate, potash

or nitrogenous material for use as an aid to the growth of crops or plants.

(3) "Consumer" means a person purchasing mixed fertilizer, superphosphate or potash for use in aiding the growth of crops or plants (and not for resale).

(4) "Mixed fertilizer" means any substance containing any two or more, of potash, superphosphate, and nitrogenous material, when marketed or sold as an aid to the growth of crops or plants.

(5) "Superphosphate" means any product which is obtained by mixing rock phosphate with either sulphuric acid or phosphoric acid or with both acids, when marketed or sold as an aid to the growth of crops or plants.

(6) "Potash" means muriate, chloride, or sulphate of potash, manure salts and any other substance containing potassium oxide (K_2O), when marketed or sold as an aid to the growth of crops or plants.

(7) "Nitrogenous material" means any organic or inorganic substance containing nitrogen, when marketed or sold as an aid to the growth of crops or plants, except when so marketed or sold without the admixture of any potash or superphosphate.

(8) "Grade" means the minimum guarantee of the plant food content of mixed fertilizer, superphosphate, or potash, expressed in terms of nitrogen, available phosphoric acid, and water soluble potash, e. g. 4-8-4, 3-8-5, etc.

(9) "Kind" as distinguished from the term "grade" refers only to mixed fertilizer and means the substances, and the proportions thereof, containing the guaranteed plant food content of mixed fertilizer—as, for example, in the case of nitrogenous material, 80% inorganic and 20% insoluble organic nitrogen; or in the case of potash, 75% sulphate of potash and 25% muriate of potash.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1367.40 *Effective date.* This Maximum Price Regulation No. 135 (§§ 1367.31 to 1367.40 inclusive) shall become effective April 28, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3803; Filed, April 28, 1942;
4:00 p. m.]

PART 1376—FLUORITE

MAXIMUM PRICE REGULATION NO. 126— FLUORSPAR

In the judgment of the Price Administrator the prices of fluorspar are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of fluorspar prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of

general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator, on the basis of information presently available, the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. If subsequent investigation reveals that such maximum prices are above a level which is fair and equitable, they are subject to downward revision. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 126 is hereby issued.

AUTHORITY: §§ 1370.1 to 1370.15, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1376.1 *Maximum prices for fluorspar.* (a) On and after May 11, 1942, regardless of any contract, agreement, lease or other obligation, no producer shall sell or deliver fluorspar, and no person shall buy or receive fluorspar from a producer in the course of trade or business, at a price higher than the following (hereinafter sometimes called "maximum prices"):

(1) The highest price which the producer making the sale or delivery, had in effect for that grade of fluorspar on January 2, 1942, f. o. b. the railroad or waterway shipping point from which such producer customarily ships from the mine or mill from which the sale or delivery is made: *Provided, however,* That if such January 2, 1942, price was on a basis other than f. o. b. such shipping point, such price shall be adjusted in such manner by the addition or deduction of shipping costs as to be converted into a price f. o. b. such shipping point; or,

(2) In case the producer had no such price in effect on January 2, 1942, the highest price for fluorspar of that grade in effect on that day in the case of the most closely competitive seller of the same class in the same competitive area; or,

(3) If the producer claims that a maximum price cannot be determined under (1) and (2) of this paragraph then a price determined by the Office of Price Administration to be in line with the level of maximum prices established by this section. This price will be determined by said Office upon written application to the Office of Price Administration, Washington, D. C., by any producer, setting forth the location of his mine or mill from which the fluorspar is to be shipped, and the grade or grades of fluorspar for which prices are desired. In making the determination, consideration will be given to the geographical location of the mine or mill, and to

freight differentials between that location and the location of other mines or mills, in shipments to points at which fluorspar is consumed.

(b) No person shall agree, offer, solicit or attempt to do any of the foregoing prohibited acts. The provisions of this section shall not be applicable to sales or deliveries of fluorspar to a purchaser if prior to May 11, 1942 such fluorspar has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1376.2 *Less than maximum prices.* Lower prices than those set forth in § 1376.1 may be charged, demanded, paid or offered.

§ 1376.3 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1376.4 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 126 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement sale, delivery, purchase or receipt of or relating to fluorspar, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1376.5 *Records and reports.* (a) Every producer making sales or deliveries of fluorspar, and every person making purchases or accepting delivery of fluorspar from a producer, in the course of trade or business, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such sale, purchase, or delivery showing the date thereof, the name of the purchaser or seller, the quantity and grade of fluorspar sold, purchased, or delivered and the price received or paid therefor.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

§ 1376.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 126 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 126 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with

the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1376.7 *Petitions for amendment or adjustment.* Persons seeking any modification of this Maximum Price Regulation No. 126 or an adjustment or exception not provided for therein may file petitions for amendment, or for adjustment in accordance with § 1376.11 hereof, and the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1376.8 *Definitions.* (a) Unless the context otherwise requires, when used in this Maximum Price Regulation No. 126, the term:

(1) "Persons" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" includes persons who mine, or otherwise remove fluorspar from the place where it is naturally found, and persons who purchase fluorspar, mill the same, and resell it.

(3) A price "in effect" as referred to in §§ 1376.1 and 1376.3 hereof means a net price at which the product in question was sold, or under contract to be sold, or at which a bona fide offer to sell the product was made to any individual, or individuals, or the public by means of price lists, discount lists, or any other customary method of making offers.

(4) "Fluorspar" includes only commercial grades of fluorspar and shall not include any extremely fine grades sometimes referred to as the "optical grades".

(5) "Grade" or "grades of fluorspar" shall include all fluorspar of a type having approximately the same chemical analysis, and shall not be limited to fluorspar having an identical chemical analysis.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1376.9 *Discount and credit provisions.* In determining the maximum price as provided in § 1376.1, "maximum price" shall be construed to mean "net price", i. e. subject to all discounts for cash payments and other credit provisions applicable on January 2, 1942. Such discounts and credit provisions may be altered or abolished if the purchaser is not thereby compelled to pay more than such maximum price.

§ 1376.10 *Transportation costs.* Maximum prices fixed in § 1376.1, hereof, are on the basis of f. o. b. the railroad or waterway shipping point from which the producer customarily ships from the mine or mill from which the sale is made. Sales may be made upon a different delivery basis, in which case an appropriate adjustment (upward or downward, as

the case may be) of the maximum prices herein authorized, shall be made. The amount of the adjustment shall be the cost of the transportation and delivery, as to which the adjustment is being made, by the most economical and practicable medium.

§ 1376.11 *Individual prices heretofore approved.* In all cases where subsequent to January 20, 1942, the Office of Price Administration, or the Price Administrator, has approved in writing any price for future sales of fluorspar, the producer to whom the approval was granted may make sales at prices in accordance with such approval, provided he shall before July 11, 1942, file petition for adjustment as provided in § 1376.7 hereof, requesting approval of such price.

§ 1376.12 *Sales by others than producers and sales of imported fluorspar.* Nothing contained in this Maximum Price Regulation No. 126 shall apply to sales of fluorspar by persons other than producers as herein defined, or to any fluorspar imported from a foreign country.

§ 1376.13 *Export sales.* Export sales of fluorspar shall be subject to the provisions of Maximum Export Price Regulation issued April 25, 1942.

§ 1376.14 *Agreements with Office of Price Administration.* This Maximum Price Regulation No. 126 supersedes any agreements previously made by the Office of Price Administration with any producer, with regard to fluorspar prices.

§ 1376.15 *Effective date.* This Maximum Price Regulation No. 126 (§§ 1376.1 to 1376.15, inclusive) shall become effective May 11, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3796; Filed, April 28, 1942;
3:53 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

AMENDMENT NO. 1 TO SAN DIEGO—DESIGNATION OF THE SAN DIEGO DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.1 is hereby amended to read as follows:

§ 1388.1 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "San Diego Defense-Rental Area":

In the State of California, the County of San Diego.
(Pub. Law 421, 77th Cong.)

This Amendment No. 1 shall become effective April 28, 1942: *Provided, however,* That the effective date of the designation and rent declaration issued by the Administrator on March 2, 1942,

(§§ 1388.1 to 1388.5, inclusive) as to the Judicial Townships of Encinitas, National, and San Diego, in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland National Forest, in San Diego County, shall not be altered by this Amendment.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3818; Filed, April 28, 1942;
4:12 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

AMENDMENT NO. 1 TO WATERBURY—DESIGNATION OF THE WATERBURY DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.51 is hereby amended to read as follows:

§ 1388.51 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Waterbury Defense-Rental Area":

In the State of Connecticut, the County of Litchfield in its entirety; and in the County of New Haven, the Towns of Beacon Falls, Bethany, Cheshire, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury, and Wolcott.

(Pub. Law 421, 77th Cong.)

This Amendment No. 1 shall become effective April 28, 1942: *Provided, however,* That the effective date of the designation and rent declaration issued by the Administrator on March 2, 1942, (§§ 1388.51 to 1388.55, inclusive) as to the Towns of Plymouth, Thomaston, and Watertown in the County of Litchfield; and the Towns of Beacon Falls, Cheshire, Middlebury, Naugatuck, Prospect, Waterbury, and Wolcott in the County of New Haven, shall not be altered by this Amendment.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3819; Filed, April 28, 1942;
4:12 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

AMENDMENT NO. 1 TO BRIDGEPORT—DESIGNATION OF THE BRIDGEPORT DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.201 is hereby amended to read as follows:

§ 1388.201 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental

area to be known as the "Bridgeport Defense-Rental Area":

In the State of Connecticut, the County of Fairfield.

(Pub. Law 421, 77th Cong.)

This Amendment No. 1 shall become effective April 28, 1942: *Provided, however*, That the effective date of the designation and rent declaration issued by the Administrator on March 2, 1942, (§§ 1388.201 to 1388.205, inclusive) as to the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport in the County of Fairfield shall not be altered by this Amendment.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3810; Filed, April 28, 1942;
4:10 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

AMENDMENT NO. 1 TO HARTFORD-NEW BRITAIN—DESIGNATION OF THE HARTFORD-NEW BRITAIN DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.251 is hereby amended to read as follows:

§ 1388.251 *Designation*. The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Hartford-New Britain Defense-Rental Area":

In the State of Connecticut, the Counties of Hartford, Middlesex, and Tolland in their entireties; and in the County of New Haven, the Towns of Meriden and Wallingford.

(Pub. Law 421, 77th Cong.)

This Amendment No. 1 shall become effective April 28, 1942: *Provided, however*, That the effective date of the designation and rent declaration issued by the Administrator on March 2, 1942 (§§ 1388.251 to 1388.255, inclusive), as to the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks in the County of Hartford; and the Towns of Cromwell, Middlefield, Middletown, and Portland in the County of Middlesex; and the Towns of Meriden and Wallingford in the County of New Haven; and the Town of Vernon in the County of Tolland, shall not be altered by this Amendment.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3816; Filed, April 28, 1942;
4:11 p. m.]

No. 84—7

PART 1388—DEFENSE-RENTAL AREAS

AMENDMENT NO. 1 TO BURLINGTON—DESIGNATION OF THE BURLINGTON DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.401 is hereby amended to read as follows:

§ 1388.401 *Designation*. The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Burlington Defense-Rental Area":

In the State of Iowa, the Counties of Des Moines, Henry, and Lee; and in the State of Illinois, the County of Henderson.

(Pub. Law 421, 77th Cong.)

This Amendment No. 1 shall become effective April 28, 1942: *Provided, however*, That the effective date of the designation and rent declaration issued by the Administrator on March 2, 1942, (§§ 1388.401 to 1388.405, inclusive) as to the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union in the County of Des Moines; the Townships of Baltimore, Center, Mount Pleasant, and New London in the County of Henry; and the Townships of Denmark, Green Bay, Madison, and Washington in the County of Lee, shall not be altered by this Amendment.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3811; Filed, April 23, 1942;
4:10 p. m.]

PART 1388—DEFENSE RENTAL AREAS

AMENDMENT NO. 1 TO DETROIT—DESIGNATION OF THE DETROIT DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.501 is hereby amended to read as follows:

§ 1388.501 *Designation*. The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Detroit Defense-Rental Area":

In the State of Michigan, the Counties of Macomb, Oakland, Washtenaw, and Wayne.

(Pub. Law 421, 77th Cong.)

This Amendment No. 1 shall become effective April 28, 1942: *Provided, however*, That the effective date of the designation and rent declaration issued by the Administrator on March 2, 1942,

(§§ 1388.501 to 1388.505, inclusive) as to the Counties of Macomb, Oakland, and Wayne shall not be altered by this Amendment.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3813; Filed, April 23, 1942;
4:10 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

AMENDMENT NO. 1 TO SCHENECTADY—DESIGNATION OF THE SCHENECTADY DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.551 is hereby amended to read as follows:

§ 1388.551 *Designation*. The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Schenectady Defense-Rental Area":

In the State of New York, the Counties of Montgomery, Saratoga, and Schenectady.

(Pub. Law 421, 77th Cong.)

This Amendment No. 1 shall become effective April 28, 1942: *Provided, however*, That the effective date of the designation and rent declaration issued by the Administrator on March 2, 1942 (§§ 1388.551 to 1388.555, inclusive) as to the County of Schenectady in its entirety; and the Towns of Ballston, Charlton, and Clifton Park in the County of Saratoga, shall not be altered by this Amendment.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3814; Filed, April 23, 1942;
4:11 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

AMENDMENT NO. 1 TO AKRON—DESIGNATION OF THE AKRON DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.651 is hereby amended to read as follows:

§ 1388.651 *Designation*. The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Akron Defense-Rental Area":

In the State of Ohio, the Counties of Medina and Summit.

(Pub. Law 421, 77th Cong.)

This Amendment No. 1 shall become effective April 28, 1942: *Provided, however*, That the effective date of the designation and rent declaration issued by the Administrator on March 2, 1942, (§§ 1388.651 to 1388.655, inclusive) as to the County of Summit, in its entirety, and the Township of Wadsworth in the County of Medina shall not be altered by this Amendment.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3812; Filed, April 28, 1942;
4:10 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

AMENDMENT NO. 1 TO CANTON—DESIGNATION OF THE CANTON DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.701 is hereby amended to read as follows:

§ 1388.701 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Canton Defense-Rental Area":

In the State of Ohio, the Counties of Stark and Tuscarawas.

(Pub. Law 421, 77th Cong.)

This Amendment No. 1 shall become effective April 28, 1942: *Provided, however*, That the effective date of the designation and rent declaration issued by the Administrator on March 2, 1942, (§§ 1388.701 to 1388.705, inclusive) as to the County of Stark shall not be altered by this Amendment.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3815; Filed, April 28, 1942;
4:11 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

AMENDMENT NO. 1 TO CLEVELAND—DESIGNATION OF THE CLEVELAND DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.751 is hereby amended to read as follows:

§ 1388.751 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Cleveland Defense-Rental Area":

In the State of Ohio, the Counties of Cuyahoga, Geauga, and Lake.

(Pub. Law 421, 77th Cong.)

This Amendment No. 1 shall become effective April 28, 1942: *Provided, how-*

ever, That the effective date of the designation and rent declaration issued by the Administrator on March 2, 1942, (§§ 1388.751 to 1388.755, inclusive) as to the County of Cuyahoga in its entirety; and the Township of Willoughby and those parts of the Township of Kirkland included within the corporate limits of the Villages of Waite Hill and Willoughby, in the County of Lake, shall not be altered by this Amendment.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3817; Filed, April 28, 1942;
4:11 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

DESIGNATION OF 8 DEFENSE-RENTAL AREAS AND RENT DECLARATIONS RELATING TO SUCH AREAS

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or

reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the areas designated in § 1388.1051 inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental areas designated in § 1388.1051;

Therefore, under the authority vested in the Price Administrator by the said Act, this designation and rent declaration is issued.

AUTHORITY: §§ 1388.1051 to 1388.1055, inclusive issued under Pub. Law 421, 77th Cong.

§ 1388.1051 *Designation.* The following areas are hereby designated by the Price Administrator as areas where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute defense-rental areas to be known by the names listed in the following table:

Name of defense-rental area ¹	In State or States of—	Defense-rental area consists of—
(1) San Luis Obispo.....	California.....	County of San Luis Obispo.
(2) Gainesville-Stark.....	Florida.....	Counties of Alachua, Bradford, and Clay.
(3) Alexandria-Leesville.....	Louisiana.....	Parishes of Beauregard, Rapides, and Vernon.
(4) District of Columbia Suburbs.....	Maryland.....	Counties of Montgomery and Prince Georges.
	Virginia.....	Independent City of Alexandria and the Counties of Arlington and Fairfax.
(5) Jackson-Milan-Humboldt.....	Tennessee.....	Counties of Carroll, Gibson, and Madison.
(6) Tullahoma.....	Tennessee.....	Counties of Bedford, Coffee, Franklin, Lincoln, and Moore.
(7) Brownwood.....	Texas.....	Counties of Brown, Coleman, and Comanche.
(8) Mineral Wells.....	Texas.....	Counties of Palo Pinto and Parker.

¹ The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "San Luis Obispo Defense-Rental Area," "District of Columbia Suburbs Defense-Rental Area."

§ 1388.1052. *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in the defense-rental areas designated in § 1388.1051 is as follows:

The designated areas are and have been the location of establishments of the armed forces of the United States or war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families or of the families of military personnel have resulted in an acute shortage of rental housing accommodations in the local markets. The President has found that an acute shortage of housing exists or impends in most of the areas under Public Law 849, 76th Congress (Lanham Act); Public Law 9, 77th Congress; or Public Law 24, 77th Congress (Title VI, National Housing

Act). All of the areas have been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the areas have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local markets. New construction in the areas by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents affecting most of the rental housing accommodations in the areas. Official governmental surveys of rental change conducted in the areas have shown a marked upward movement in the general level of residential rents. By reason of these substantial increases the

rents prevailing in the designated areas are inconsistent with the purposes of the Emergency Price Control Act of 1942.

§ 1388.1053 *Recommendations.* It is the judgment of the Price Administrator that by April 1, 1941, defense activities already had resulted in increases in rents for housing accommodations within each of the designated defense-rental areas inconsistent with the purposes of the Act. Accordingly, the Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within each of the designated areas on or about January 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for housing accommodations within each of the designated defense-rental areas are as follows:

(a) The maximum rent for housing accommodations rented on January 1, 1941 should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent of housing accommodations not rented on January 1, 1941. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents of housing accommodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the particular area on January 1, 1941.

(b) Appropriate provision should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1054 *Maximum rent regulation.* If within sixty days after the issuance of this designation and rent declaration, rents for housing accommodations within any defense-rental area designated in § 1388.1051 have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the pur-

poses of the Emergency Price Control Act of 1942.

§ 1388.1055 *Effective date.* This designation and rent declaration (§§ 1388.1051 to 1388.1055, inclusive) shall become effective April 20, 1942. Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc 42-3823; Filed, April 23, 1942; 4:12 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

DESIGNATION OF 28 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such

maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the areas designated in § 1388.1101 inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental areas designated in § 1388.1101;

Therefore, under the authority vested in the Price Administrator by the said Act, this designation and rent declaration is issued.

AUTHORITY: §§ 1383.1101 to 1383.1105, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1101 *Designation.* The following areas are hereby designated by the Price Administrator as areas where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute defense-rental areas to be known by the names listed in the following table:

Name of defense-rental area ¹	In State or States of—	Defense-rental area consists of—
(1) Anniston.....	Alabama.....	Counties of Calhoun and Chilton.
(2) Huntsville.....	Alabama.....	Counties of Lincoln, Madison, and Morgan.
(3) Muscle Shoals.....	Alabama.....	Counties of Colbert and Lauderdale.
(4) Talladega.....	Alabama.....	Counties of St. Clair, Shelby, and Talladega.
(5) New Haven.....	Connecticut.....	In the County of New Haven the Towns of Ansonia, Branford, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, West Haven, and Woodbridge.
(6) New London.....	Connecticut.....	Counties of New London and Windham.
(7) Jacksonville, Florida.....	Florida.....	County of Duval.
(8) Macon.....	Georgia.....	Counties of Bibb, Houston, and Peach.
(9) Joliet.....	Illinois.....	County of Will.
(10) La Porte-Michigan City.....	Indiana.....	Counties of La Porte and Starke.
(11) Junction City-Manhattan.....	Kansas.....	Counties of Geary and Riley.
(12) Bath.....	Maine.....	Counties of Lincoln and Sagadahoc.
(13) Niles.....	Michigan.....	County of Harrison.
(14) Biloxi-Pascagoula.....	Mississippi.....	Counties of Harrison and Jackson.
(15) Hattiesburg.....	Mississippi.....	County of Forrest.
(16) Bolla-Waynesville.....	Missouri.....	Counties of Leake, Phelps, and Pulaski.
(17) Messina.....	New York.....	County of St. Lawrence.
(18) Watertown.....	New York.....	County of Jefferson.
(19) Fayetteville.....	North Carolina.....	Counties of Cumberland and Hoke.
(20) Dayton.....	Ohio.....	Counties of Champaign, Clark, Darke, Greene, Miami, Montgomery, and Preble.
(21) Lawton.....	Oklahoma.....	County of Comanche.
(22) Sharon-Farrell.....	Pennsylvania.....	County of Mercer.
(23) Abilene.....	Texas.....	Counties of Callahan, Jones, and Taylor.
(24) Beaumont-Port Arthur.....	Texas.....	Counties of Jefferson and Orange.
(25) El Paso.....	Texas.....	County of El Paso.
(26) Petersburg.....	Virginia.....	Independent City of Petersburg, and the Counties of Dinwiddie and Prince George.
(27) Radford-Pulaski.....	Virginia.....	Independent City of Radford, and the Counties of Montgomery and Pulaski.
(28) Morgantown.....	West Virginia.....	Counties of Marion and Monongalia.

¹ The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Anniston Defense-Rental Area", "Jacksonville, Florida Defense-Rental Area".

§ 1388.1102 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in the defense-rental areas designated in § 1388.1101 is as follows:

The designated areas are and have been the location of establishments of the armed forces of the United States or war production industries. The increase in employment reflecting the expansion of

defense activities and the influx of production workers and their families, or of the families of military personnel have resulted in an acute shortage of rental housing accommodations in the local markets. The President has found that an acute shortage of housing exists or impends in most of the areas under Public Law 849, 76th Congress (Lanham Act); Public Law 9, 77th Congress; or Public Law 24, 77th Congress (Title VI, National Housing Act). Most of the areas have been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the areas have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local markets. New construction in the areas by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents affecting most of the rental housing accommodations in the areas. Official governmental surveys of rental change conducted in the areas have shown a marked upward movement in the general level of residential rents. By reason of these substantial increases the rents prevailing in the designated areas are inconsistent with the purposes of the Emergency Price Control Act of 1942.

§ 1388.1103 *Recommendations.* The Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for housing accommodations within each of the designated defense-rental areas are as follows:

(a) The maximum rent for housing accommodations rented on April 1, 1941 should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent of housing accommodations not rented on April 1, 1941. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents of housing accommodations, but in principle such

rents should not be greater than the rents generally prevailing for comparable accommodations in the particular area on April 1, 1941.

(b) Appropriate provision should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1104 *Maximum rent regulation.* If within sixty days after the issuance of this designation and rent declaration, rents for housing accommodations within any defense-rental area designated in § 1388.1101 have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1105 *Effective date.* This designation and rent declaration (§§ 1388.1101 to 1388.1105, inclusive) shall become effective April 28, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3824; Filed, April 28, 1942;
4:13 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

DESIGNATION OF 7 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations

with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the areas designated in § 1388.1151 inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental areas designated in § 1388.1151;

Therefore, under the authority vested in the Price Administrator by the said Act, this designation and rent declaration is issued.

AUTHORITY: §§ 1388.1151 to 1388.1155, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1151 *Designation.* The following areas are hereby designated by the Price Administrator as areas where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute defense-rental areas to be known by the names listed in the following table:

Name of defense-rental area ¹	In State or States of—	Defense-rental area consists of—
(1) Indianapolis.....	Indiana.....	County of Marion.
(2) Parsons.....	Kansas.....	County of Labette.
(3) Louisville.....	Kentucky.....	County of Jefferson;
	Indiana.....	Counties of Clark and Floyd.
(4) Minden.....	Louisiana.....	Parish of Webster.
(5) Joplin-Neosho.....	Missouri.....	Counties of Jasper and Newton.
(6) Lorain-Elyria.....	Ohio.....	County of Lorain.
(7) Texarkana.....	Texas.....	County of Bowie;
	Arkansas.....	County of Miller.

¹ The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Indianapolis Defense-Rental Area," "Parsons Defense-Rental Area".

§ 1388.1152 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in the defense-rental areas designated in § 1388.1151 is as follows:

The designated areas are and have been the location of establishments of the armed forces of the United States or war production industries. The increase in employment reflecting the expansion of defense activities and the

influx of production workers and their families or of the families of military personnel have resulted in an acute shortage of rental housing accommodations in the local markets. The President has found that an acute shortage of housing exists or impends in all of the areas under Public Law 671, 76th Congress; Public Law 849, 76th Congress (Lanham Act); Public Law 9, 77th Congress; or Public Law 24, 77th Congress

(Title VI, National Housing Act). All of the areas have been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the areas have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local markets. New construction in the areas by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents affecting most of the rental housing accommodations in the areas. Official governmental surveys of rental change conducted in the areas have shown a marked upward movement in the general level of residential rents. By reason of these substantial increases the rents prevailing in the designated areas are inconsistent with the purposes of the Emergency Price Control Act of 1942.

§ 1388.1153 *Recommendations.* It is the judgment of the Price Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within any of the designated defense-rental areas inconsistent with the purposes of the Act. Accordingly, the Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within each of the designated areas on or about July 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for housing accommodations within each of the designated defense-rental areas are as follows:

(a) The maximum rent for housing accommodations rented on July 1, 1941 should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent of housing accommodations not rented on July 1, 1941. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents of housing accommodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the particular area on July 1, 1941.

(b) Appropriate provision should be made with respect to the restraint of

evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1154 *Maximum rent regulation.* If within sixty days after the issuance of this designation and rent declaration, rents for housing accommodations within any defense-rental area designated in § 1388.1151 have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1155 *Effective date.* This designation and rent declaration (§§ 1388.1151 to 1388.1155, inclusive) shall become effective April 28, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3823; Filed, April 23, 1942;
4:13 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

DESIGNATION OF 259 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduc-

tion of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities have resulted or threaten to result in increases in the rents for housing accommodations in the areas designated in § 1388.1201 inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for defense-area housing accommodations within the defense-rental areas designated in § 1388.1201.

Therefore, under the authority vested in the Price Administrator by said Act, this designation and rent declaration is issued.

AUTHORITY: §§ 1388.1201 to 1388.1205, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1201 *Designation.* The following areas are hereby designated by the Price Administrator as areas where defense activities have resulted or threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute defense-rental areas to be known by the names listed in the following table:

Name of defense-rental area ¹	In State or States of—	Defense-rental area consists of—
(1) Dothan-Ozark.....	Alabama.....	Counties of Dale and Houston.
(2) Gadsden.....	Alabama.....	County of Etowah.
(3) Lanett.....	Alabama.....	County of Chambers.
(4) Montgomery.....	Alabama.....	Counties of Elmore and Montgomery.
(5) Selma.....	Alabama.....	County of Dallas.
(6) Tuskegee.....	Alabama.....	County of Macon.
(7) Fort Huachuca.....	Arizona.....	Counties of Cochise and Santa Cruz.
(8) Phoenix-Salt River Valley.....	Arizona.....	Counties of Gila and Maricopa.
(9) Prescott-Flagstaff.....	Arizona.....	Counties of Coconino and Yavapai.
(10) Tucson.....	Arizona.....	County of Pima.
(11) Benton-Baxley.....	Arkansas.....	County of Saline.
(12) Blytheville.....	Arkansas.....	County of Mississippi.
(13) Camden, Arkansas.....	Arkansas.....	Counties of Calhoun and Ouachita.
(14) El Dorado.....	Arkansas.....	County of Union.
(15) Fort Smith.....	Arkansas.....	County of Sebastian.
(16) Hope.....	Arkansas.....	County of Hempstead.
(17) Little Rock.....	Arkansas.....	Counties of Lonoke and Pulaski.
(18) Pina Bluff.....	Arkansas.....	County of Jefferson.
(19) Bakersfield.....	California.....	County of Kern.
(20) Chico.....	California.....	County of Butte.
(21) Fresno.....	California.....	County of Fresno.
(22) Lassen County.....	California.....	County of Lassen.
(23) Lemoore-Hanford.....	California.....	County of Kings.
(24) Los Angeles.....	California.....	Counties of Los Angeles and Orange.
(25) Marysville-Yuba City.....	California.....	Counties of Sutter and Yuba.
(26) Merced.....	California.....	County of Merced.
(27) Monterey Bay.....	California.....	Counties of Monterey and Santa Cruz.
(28) Riverside.....	California.....	County of Riverside.
(29) San Bernardino.....	California.....	County of San Bernardino.
(30) San Francisco Bay.....	California.....	Counties of Alameda, Contra Costa, Marin, Napa, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma, and Yolo.
(31) Santa Barbara.....	California.....	County of Santa Barbara.
(32) Visalia-Tulare.....	California.....	County of Tulare.
(33) Colorado Springs.....	Colorado.....	County of El Paso.
(34) Denver.....	Colorado.....	Counties of Adams, Arapahoe, Denver, and Jefferson.

¹ The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area", "Gadsden Defense-Rental Area."

Name of defense-rental area	In State or States of—	Defense-rental area consists of—	Name of defense-rental area	In State or States of—	Defense-rental area consists of—
(35) Pueblo.....	Colorado.....	County of Pueblo.	(107) Port Huron.....	Michigan.....	County of St. Clair.
(36) Wilmington, Delaware.....	Delaware.....	County of New Castle;	(108) Saginaw-Bay City.....	Michigan.....	Counties of Bay, Midland, and Saginaw.
(37) Fort Myers.....	Florida.....	County of Salem.	(109) Duluth-Superior.....	Minnesota.....	County of Douglas.
(38) Fort Myers.....	Florida.....	County of Brevard.	(110) Minneapolis-St. Paul.....	Minnesota.....	Counties of Anoka, Dakota, Hennepin, Ramsey, and Washington.
(39) Fort Myers.....	Florida.....	County of Lee.	(111) Columbus, Mississippi.....	Mississippi.....	County of Lowndes.
(40) Key West.....	Florida.....	County of Monroe.	(112) Greenville, Mississippi.....	Mississippi.....	County of Washington.
(41) Orlando.....	Florida.....	County of Orange.	(113) Jackson, Mississippi.....	Mississippi.....	Counties of Hinds, Madison, and Rankin.
(42) Panama City.....	Florida.....	County of Bay.	(114) Meridian.....	Mississippi.....	County of Lauderdale.
(43) Pensacola.....	Florida.....	County of Escambia.	(115) Kansas City.....	Missouri.....	Counties of Clay, Jackson, and Platte;
(44) Sebring.....	Florida.....	County of Highlands.	(116) Pike.....	Missouri.....	Counties of Johnson, Leavenworth, and Wyandotte.
(45) Tallahassee.....	Florida.....	County of Leon.	(117) Springfield, Missouri.....	Missouri.....	County of Pike.
(46) Tampa.....	Florida.....	Counties of Hillsborough, Pinellas, and Polk.	(118) St. Louis.....	Missouri.....	County of Greene.
(47) Valparaiso.....	Florida.....	County of Okaloosa.	(119) Butte.....	Illinois.....	City of St. Louis and the Counties of Jefferson, St. Charles, and St. Louis.
(48) Albany, Georgia.....	Georgia.....	County of Dougherty.	(120) Columbus, Nebraska.....	Nebraska.....	Counties of Madison, Monroe, and St. Clair.
(49) Atlanta.....	Georgia.....	Counties of Clayton, Cobb, De Kalb, and Fulton.	(121) Grand Island.....	Nebraska.....	County of Silver Bow.
(50) Augusta, Georgia.....	Georgia.....	County of Richmond.	(122) Lincoln.....	Nebraska.....	Counties of Butler, Colfax, Platte, and Polk.
(51) Hinesville.....	Georgia.....	County of Liberty.	(123) Omaha.....	Nebraska.....	County of Lancaster.
(52) Moultrie.....	Georgia.....	County of Colquitt.	(124) Sidney, Nebraska.....	Iowa.....	Counties of Douglas and Sapp;
(53) Savannah.....	Georgia.....	County of Chatham.	(125) Waco-Frumont.....	Nebraska.....	County of Plattsmouth.
(54) Toccoa.....	Georgia.....	County of Stephens.	(126) Las Vegas.....	Nebraska.....	County of Dodge and Saunders.
(55) Tusculum.....	Georgia.....	County of Wilkes.	(127) Fort Worth.....	Nebraska.....	County of Cheyenne.
(56) Tusculum.....	Georgia.....	Counties of Cook, De Kalb, Kane, and Lake.	(128) Portsmouth.....	New Hampshire.....	County of DeKalb.
(57) Valdosta.....	Georgia.....	Counties of Jackson and Williamson.	(129) Bridgeport-Milville.....	New Jersey.....	County of Hillsborough.
(58) Dalton.....	Georgia.....	County of Lee.	(130) Northeastern New Jersey.....	New Jersey.....	Counties of Rockingham and Stratford.
(59) Dalton.....	Georgia.....	Counties of Fannin and Tazewell.	(131) Trenton.....	New Jersey.....	County of York.
(60) Quad Cities.....	Illinois.....	Counties of Clinton and Scott.	(132) Albuquerque.....	New Mexico.....	County of Cumberland.
(61) Quincy.....	Illinois.....	County of Adams.	(133) Resver.....	New Mexico.....	Counties of Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union.
(62) Rantoul.....	Illinois.....	Counties of Lewis and Marion.	(134) Silver City-Lordsburg.....	New Mexico.....	County of Hunterdon.
(63) Rockford.....	Illinois.....	County of Champaign.	(135) Albany-Troy, New York.....	New York.....	County of Bernillo.
(64) Savanna.....	Illinois.....	Counties of Boone and Winnebago.	(136) Binghamton.....	New York.....	County of Chaves.
(65) Springfield-Decatur.....	Illinois.....	County of Carroll.	(137) Buffalo.....	New York.....	Counties of Grant and Hidalgo.
(66) Bedford.....	Indiana.....	Counties of Christian, Logan, Macon, and Sangamon.	(138) Elmira.....	New York.....	Counties of Albany and Rensselaer.
(67) Clinton-Newport.....	Indiana.....	Counties of Parks and Vermillion.	(139) Essex County, New York.....	New York.....	Counties of Broome and Tioga.
(68) Columbus, Indiana.....	Indiana.....	County of Bartholomew and Brown.	(140) Jamestown.....	New York.....	Counties of Erie and Niagara.
(69) Connersville.....	Indiana.....	County of Fayette.	(141) New York City.....	New York.....	Counties of Chemung and Steuben.
(70) Evansville-Henderson.....	Indiana.....	County of Vanderburgh.	(142) Poughkeepsie.....	New York.....	County of Essex.
(71) Fort Wayne.....	Indiana.....	County of Henderson.	(143) Rochester.....	New York.....	County of Oneida.
(72) Gary-Hammond.....	Indiana.....	County of Lake.	(144) Sidney, New York.....	New York.....	County of Hamilton.
(73) La Fayette.....	Indiana.....	County of Elkhart.	(145) Syracuse.....	New York.....	County of Sullivan.
(74) Madison, Indiana.....	Indiana.....	Counties of Fountain, Tippecanoe, and Warren.	(146) Utica-Rome.....	New York.....	Counties of Otsego and Schoharie.
(75) Muncie-Anderson.....	Indiana.....	Counties of Delaware, Grant, Howard, and Madison.	(147) Durham.....	North Carolina.....	Counties of Chautauque, Chautauque, and Otsego.
(76) Terre Haute.....	Indiana.....	County of Vigo.	(148) Charlotte.....	North Carolina.....	County of Herkimer.
(77) Cedar Rapids.....	Iowa.....	County of Black Hawk.	(149) Durham.....	North Carolina.....	County of Mecklenburg.
(78) Des Moines.....	Iowa.....	County of Cherokee.	(150) Elizabeth City, North Carolina.....	North Carolina.....	County of Durham.
(79) Waterloo.....	Iowa.....	County of Ottawa.	(151) Greensboro.....	North Carolina.....	County of Futherford.
(80) Baxter Springs.....	Kansas.....	County of McPherson.	(152) Jacksonville, North Carolina.....	North Carolina.....	County of Guilford.
(81) Topeka-Lawrence.....	Kansas.....	County of Union.	(153) Norfolk.....	North Carolina.....	County of Onslow.
(82) Fort Knox.....	Kentucky.....	County of Madison.	(154) Norfolk.....	North Carolina.....	County of Surry.
(83) Paducah.....	Kentucky.....	County of McCracken.	(155) Ashtabula.....	Ohio.....	County of Carteret and Craven.
(84) Richmond, Kentucky.....	Kentucky.....	County of Boyle.	(156) Cincinnati.....	Ohio.....	County of Ashtabula.
(85) Bates-Rouge.....	Louisiana.....	Parishes of East Baton Rouge and West Baton Rouge.	(157) Cincinnati.....	Ohio.....	Counties of Auglaize and Mercer.
(86) Lake Charles.....	Louisiana.....	Parishes of Calcasieu, Iberville, and Orleans.	(158) Columbus, Ohio.....	Ohio.....	Counties of Butler, Clermont, Hamilton, and Warren.
(87) Monroe-Bassett.....	Louisiana.....	Parishes of Jefferson, Orleans, and St. Bernard.	(159) Findlay-Fostoria.....	Ohio.....	Counties of Boone, Campbell, and Kenton.
(88) New Orleans.....	Louisiana.....	Parishes of Bossier and Caddo.	(160) Lima.....	Ohio.....	County of Hancock.
(89) Shreveport.....	Louisiana.....	County of Rapides.	(161) Marion.....	Ohio.....	County of Allen.
(90) St. Louis.....	Missouri.....	Counties of Androscegin and Cumberland.	(162) Sandusky-Fort Clinton.....	Ohio.....	Counties of Erie, Huron, Ottawa, and Sandusky.
(91) Bangor.....	Maine.....	County of Arrowsick.	(163) Toledo.....	Ohio.....	County of Lucas and Wood.
(92) Portland.....	Maine.....	County of Washington.	(164) Choteau.....	Michigan.....	County of Monroe.
(93) Presque Isle.....	Maine.....	County of Carleton.	(165) East.....	Michigan.....	County of Crawford, Mayes, Rogers, and Wagoner.
(94) Hagerstown.....	Maryland.....	County of Baltimore.	(166) Muskegon.....	Michigan.....	County of Grandfield.
(95) Indian Head.....	Maryland.....	County of Prince George's.	(167) Muskegon.....	Michigan.....	County of Muskegon.
(96) Eastern Massachusetts.....	Massachusetts.....	Counties of Barnstable, Bristol, Essex, Middlesex, Norfolk, Plymouth, and Suffolk.	(168) Muskegon.....	Michigan.....	County of Muskegon.
(97) Greenfield.....	Massachusetts.....	County of Franklin.	(169) Muskegon.....	Michigan.....	County of Muskegon.
(98) Pittsfield.....	Massachusetts.....	County of Berkshire.	(170) Muskegon.....	Michigan.....	County of Muskegon.
(99) Springfield, Massachusetts.....	Massachusetts.....	County of Hampshire and Hampshire.	(171) Muskegon.....	Michigan.....	County of Muskegon.
(100) Worcester.....	Massachusetts.....	County of Worcester.	(172) Muskegon.....	Michigan.....	County of Muskegon.
(101) Adrian.....	Michigan.....	County of Lenawee.	(173) Muskegon.....	Michigan.....	County of Muskegon.
(102) Flint.....	Michigan.....	County of Genesee.	(174) Muskegon.....	Michigan.....	County of Muskegon.
(103) Grand Rapids-Muskegon.....	Michigan.....	Counties of Kent, Muskegon, and Ottawa.	(175) Muskegon.....	Michigan.....	County of Muskegon.
(104) Jackson, Michigan.....	Michigan.....	County of Jackson.	(176) Muskegon.....	Michigan.....	County of Muskegon.
(105) Kalamazoo-Battle Creek.....	Michigan.....	Counties of Calhoun and Kalamazoo.	(177) Muskegon.....	Michigan.....	County of Muskegon.
(106) Lansing.....	Michigan.....	Counties of Clinton, Eaton, and Ingham.	(178) Muskegon.....	Michigan.....	County of Muskegon.

licable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization or reduction of rents for housing accommodations within each of the designated defense-rental areas are as follows:

(a) The maximum rent for housing accommodations rented on March 1, 1942, should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent for housing accommodations not rented on March 1, 1942. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents of housing accommodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the particular area on March 1, 1942.

(b) Appropriate provision should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1204 *Maximum rent regulation.* If within sixty days after the issuance of this designation and rent declaration, rents for housing accommodations within any defense-rental area designated in § 1388.1201 have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1205 *Effective date.* This designation and rent declaration (§§ 1388.1201 to 1388.1205, inclusive) shall become effective April 28, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3820; Filed, April 28, 1942;
4:13 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT
MAXIMUM PRICE REGULATION NO. 136—MACHINES AND PARTS

In the judgment of the Price Administrator the prices of machines and parts have risen and are threatening further to rise to an extent and in a manner in-

consistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of machines and parts prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 136 is hereby issued.

AUTHORITY: §§ 1390.1 to 1390.16, inclusive, issued pursuant to Pub. Law. 421, 77th Cong.

§ 1390.1 *Maximum prices for machinery and machine work.* (a) On and after May 18, 1942, regardless of any contract, lease or other obligation, no person shall sell, deliver, or lease, and no person in the course of trade or business shall buy, receive, or rent any machine or part at a price higher than the maximum price, and no person shall make or pay a charge for machine work higher than the maximum charge, established by this Maximum Price Regulation No. 136; and no person shall agree, offer or attempt to do any of the foregoing.

(b) *Sales of new machines and parts by the manufacturer.* (1) If for any new machine or part the manufacturer thereof had an established price in effect on October 1, 1941, such price shall be the maximum price.

(2) If for any new machine or part the manufacturer thereof had no established price in effect on October 1, 1941, the maximum price shall be the net price determined on the basis of labor rates, material prices, and overhead rates in effect on October 1, 1941, and by the use of the price-determining method which would have been used on that date.

(3) If a net price of a new machine or part determined in accordance with subparagraph (2) is filed pursuant to § 1390.9 (c) of this Maximum Price Regulation No. 136 and not disapproved by the Office of Price Administration within thirty days after receipt, such net price shall be the maximum price applicable to all subsequent sales and deliveries of such machine or part.

(4) If the manufacture of a new machine or part requires the use of materials whose October 1, 1941 prices are not ascertainable, or if a new machine or part is manufactured in a new plant, the maximum price of such machine or part

shall be the net price filed pursuant to § 1390.9 (d) of this Maximum Price Regulation No. 136 and not disapproved by the Office of Price Administration within thirty days after receipt.

(5) Notwithstanding the provisions of subparagraphs (1), (2), (3), and (4) hereof, maximum prices for the companies and for the machines and parts set forth in Administrative Notice No. 1,² shall, pursuant to previous review by the Office of Price Administration, be the prices listed therein.

(c) *Sales of new machines and parts by a seller other than the manufacturer.*

(1) If for any new machine or part a seller other than the manufacturer had an established price in effect on October 1, 1941, such price shall be the maximum price.

(2) If for any new machine or part such seller had no established price in effect on October 1, 1941, the maximum price shall be the net price determined by applying to the seller's net invoiced cost of such machine or part, the percentage margin over net invoiced cost realized on or about October 1, 1941 for the nearest equivalent new machine or part sold by such seller on or about October 1, 1941.

(3) If for any new machine or part such seller had no established price in effect on October 1, 1941 and if such seller sold no near equivalent new machine or part on or about that date, the maximum price shall be the net price filed pursuant to § 1390.9 (e) of this Maximum Price Regulation No. 136 and not disapproved by the Office of Price Administration within thirty days after receipt.

(d) *Sales of second-hand machines and parts.* (1) The maximum price for a rebuilt and guaranteed machine or part shall be eighty-five percent of the net price in effect on October 1, 1941 for the nearest equivalent new machine or part.

(2) The maximum price for any other second-hand machine or part shall be fifty-five percent of the net price in effect on October 1, 1941 for the nearest equivalent new machine or part.

(e) *Rentals.* (1) If for any machine or part the lessor thereof had an established rental in effect on October 1, 1941, such rental shall be the maximum rental.

(2) If for any machine or part the lessor thereof had no established rental in effect on October 1, 1941, the maximum rental shall be the net rental which would have been determined on October 1, 1941.

(3) If the net rental of a machine or part determined in accordance with subparagraph (2) is filed pursuant to § 1390.9 (c) of this Maximum Price Regulation No. 136 and not disapproved by the Office of Price Administration within thirty days after receipt, such net rental shall be the maximum rental applicable to all subsequent leases of such machine or part.

(f) *Machine work.* (1) If for any machine work a processor had an established charge in effect on October 1, 1941,

¹ 7 F.R. 971.

² 7 F.R. 2984 (April 22, 1942).

such charge shall be the maximum charge.

(2) If for any machine work a processor had no established charge in effect on October 1, 1941, the maximum charge shall be the net charge which would have been determined on October 1, 1941 on the basis of labor rates and machine-hour rates in effect on that date.

(3) If the net charge for any machine work determined in accordance with subparagraph (2) is filed pursuant to § 1390.9 (c) of this Maximum Price Regulation No. 136 and not disapproved by the Office of Price Administration within thirty days after receipt, such net charge shall thereafter be the maximum charge for all such machine work.

(g) *Price adjustment.* No person shall enter into any agreement or arrangement for the sale or delivery of any machine or part which provides for upward adjustment of the price or which permits delivery at a price which may be above the maximum price established by this Maximum Price Regulation No. 136 and in effect on the date of acceptance of the order for such machine or part, except that any agreement may contain a provision for price adjustment to be applied only to those deliveries made more than nine months after such agreement is entered into if the agreement also contain a provision that the final prices after all adjustments shall in no case exceed the applicable maximum prices established by the Office of Price Administration and in effect on the dates of delivery.

§ 1390.2 *Less than maximum prices.* Lower prices, rentals or charges than those set forth in § 1390.1 of this Maximum Price Regulation No. 136 may be charged, demanded, paid or offered.

§ 1390.3 *Federal and State taxes.* (a) Any tax levied by any statute of the United States or statute or ordinance of any state or subdivision thereof which the seller on October 1, 1941 stated and collected separately from the price paid by the purchaser shall not be included in the maximum price but may be collected by the seller in addition to the maximum price if such tax is stated separately from the purchase price.

(b) Any tax upon the sale or delivery of a machine or part, and any compensating use tax upon a machine or part, levied by any statute of the United States or statute or ordinance of any state or subdivision thereof and becoming effective on or after October 1, 1941 may also be collected by the seller in addition to the maximum price if such tax is stated separately from the purchase price, unless such tax was included in the seller's price in effect on October 1, 1941.

(c) Any separately stated tax paid by a purchaser for resale upon the purchase of a machine or part may be collected by such purchaser in addition to the maximum price upon the resale of such machine or part, unless such tax was included in such purchaser's established price in effect on October 1, 1941.

§ 1390.4 *Terms and conditions.* No discounts or differences in price which the seller, lessor or processor has customarily allowed to different classes of

purchasers or for different quantities or under different conditions of sale shall be eliminated or reduced. No guaranty, warranty of performance, maintenance, repair or installation service, or cash discount, trade-in allowance, or rental credit on purchase shall be discontinued.

§ 1390.5 *Sales for export.* The maximum price at which a person may sell or deliver any machine or part for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1390.6 *Transfer of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after October 1, 1941, and the transferee carries on the business, or continues to deal in the same type of machines or parts or to perform the same type of machine work, in the same competitive area and in an establishment separate from an establishment previously owned or operated by him, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this Maximum Price Regulation No. 136 if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this Maximum Price Regulation No. 136.

§ 1390.7 *Exclusions.* This Maximum Price Regulation No. 136 shall not apply to:

(a) Any sale, lease, delivery, or machine work for which a maximum price regulation or order issued by the Office of Price Administration.

(b) Any sale or delivery of a new machine or part for which the manufacturer had no established price in effect on October 1, 1941, and which is manufactured pursuant to order for incorporation in a product manufactured by the buyer, except that no such machine or part shall be excluded if reference to such machine or part is made in § 1390.15, Appendix A, hereof.

(c) Any sale at retail of a machine or part made at a store, shop or other similar place of business at which retail sales are customarily made.

§ 1390.8 *Records.* Persons subject to this Maximum Price Regulation No. 136 shall keep available for inspection by representatives of the Office of Price Administration records of the following:

(a) By the manufacturer: Records of (1) each sale, lease or delivery of a machine or part after the effective date of this Maximum Price Regulation No. 136, showing the name of the person buying, leasing or receiving such machine or part, the date of the transaction, an identification of the machine or part providing a reference to a price list or to production records, and the net price or rental; (2) price-determining methods, labor rates, material prices, and

overhead rates in effect on October 1, 1941, and (3) detailed cost-estimate sheets and other data showing the calculations of prices and rentals on transactions covered by this Maximum Price Regulation No. 136 for which no price or rental was established on October 1, 1941, or is hereafter established.

(b) By the processor: Records of all machine work performed after the effective date of this Maximum Price Regulation No. 136 showing the name of the person for whom such work was performed, the date of the transaction, and identification of the work providing a reference to a price list or to production records, the net charge therefor, and in addition, records showing as precisely as possible the basis upon which such processor determined maximum charges for machine work.

(c) By a lessor other than the manufacturer: Records of each lease or delivery of a machine or part after the effective date of this Maximum Price Regulation No. 136, showing the name of the person leasing or receiving such machine or part, the date of the transaction, the net rental and, in addition, records showing as precisely as possible the basis upon which such lessor determined maximum rentals for machines and parts.

(d) By a seller other than the manufacturer: Records of the kind such seller has customarily kept, relating to the prices of machines and parts sold after the effective date of this Maximum Price Regulation No. 136 and, in addition, records showing as precisely as possible the basis upon which such seller determined maximum prices for machines and parts.

§ 1390.9 *Reports.* (a) Every seller and every lessor subject to this Maximum Price Regulation No. 136 shall file with the Office of Price Administration, Washington, D. C., on or before July 1, 1942, if he has not already done so, all his established prices and all his established rentals in effect on October 1, 1941 for machines and parts, and every processor subject to this Maximum Price Regulation No. 136 shall file all his established charges in effect on October 1, 1941 for machine work. Such filing may be in the form of published or confidential price and discount sheets or instructions to employees or agents for pricing machines or parts or machine work, or in any other form on the basis of which quotations are regularly made.

(b) If a machine or part is sold at a price determined under § 1390.1 (b) (2) which is higher than the price at which the same machine or part has previously been sold and priced pursuant to that section or has been sold at any time subsequent to October 1, 1941, the manufacturer shall file with the Office of Price Administration, Washington, D. C. within ten day after entering into such contract of sale, a report containing: (1) A description of the machine or part in question; (2) the price for such machine or part charged upon all previous sales within the preceding three months or, if there were no such sales, upon the last preceding sale subsequent to October 1,

1941, the dates of such sales and the names of the purchasers; (3) the new price of such machine or part, the date of entering into such contract of sale, and the name of the purchaser; and (4) an explanation of the higher price: *Provided*, That if the price of a machine or part has previously been reported pursuant to this paragraph and no objection to such price has been made by the Office of Price Administration, the manufacturer shall not be required to report subsequent sales at the same price.

(c) If any person desires or is requested by the Office of Price Administration to set an established price, or rental for any new machine or part for which there was no established price or rental on October 1, 1941, or if any person desires or is requested to set an established charge for any machine work for which there was no established charge on October 1, 1941, such person shall file a report with the Office of Price Administration, Washington, D. C., containing such information as the Office of Price Administration shall in writing require.

(d) If the manufacture of a new machine or part requires the use of materials whose October 1, 1941 prices are not ascertainable, or if a new machine or part is manufactured in a new plant, the manufacturer of such machine or part shall file with the Office of Price Administration, Washington, D. C. the proposed price, the proposed billing date, all relevant price-determining data, and an explanation of the circumstances necessitating filing pursuant to this paragraph.

(e) If the maximum price of a new machine or part sold by a person other than the manufacturer is to be determined pursuant to § 1390.1 (c) (3) hereof, the seller of such machine or part shall file with the Office of Price Administration the proposed price, the net invoiced cost of such machine or part, the date of purchase, a statement of the basis on which such proposed price was determined, the proposed billing date, and an explanation of the circumstances necessitating filing under this paragraph.

(f) Every person subject to this Maximum Price Regulation No. 136 shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for records and reports herein required.

§ 1390.10 *Sales slips and receipts.* Any person subject to this Maximum Price Regulation No. 136 who has regularly furnished customers with invoices, sales slips, receipts or similar documents shall continue to do so. Every person subject to this Maximum Price Regulation No. 136 shall in any case, upon request of the customer, give such customer a signed receipt showing the date of the transaction, an identification of the machine or part sold or leased or of the machine work performed, and the price, rental or charge therefor.

§ 1390.11 *Penalties.* Persons violating any provision of this Maximum Price Regulation No. 136 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and suits for the suspension of licenses provided for by the Emergency Price Control Act of 1942.

§ 1390.12 *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 136 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1390.13 *Definitions.* (a) When used in this Maximum Price Regulation No. 136, the term:

(1) "Machine or part" means any unit of machinery or auxiliary equipment, adjunct, subassembly or component part, including generally but without being limited to, prime movers, industrial power apparatus, machine tools, material working and fabricating machinery, construction and mining machinery, electrical equipment, railroad equipment, auxiliary industrial machinery, and related equipment. This definition includes, among others, the products listed in § 1390.15, Appendix A, hereof, but does not include the products listed in § 1390.16, Appendix B, hereof.

(2) "Machine work" means work on material furnished by a customer performed on any machine used for the cutting, abrading, shaping, forming or joining of any metal or plastic where such material after machining constitutes a machine or part to which reference is made in § 1390.15, Appendix A, hereof.

(3) "Rebuilt and guaranteed" machine or part means a machine or part in which worn, missing, or obsolete components, if any, have been replaced or repaired, which carries a binding guaranty of satisfactory performance for a period of not less than thirty days from date of shipment and which is expressly invoiced as a rebuilt and guaranteed machine or part.

(4) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(5) "Manufacturer" means any person engaged in one or more operations in the fabrication, processing or assembly of a machine or part.

(6) "Processor" means any person engaged in the performance of machine work.

(7) "Established price" means the price provided in published or confidential price and discount sheets, or regularly quoted, after adjustment for all applicable extra charges, discounts or other allowances. "Established rental" and "established charge" shall be construed accordingly.

(8) "Sale at retail" means a sale to an ultimate consumer other than an industrial, commercial or governmental user, but does not include a sale of a machine or part by the manufacturer thereof.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1390.14 *Effective date.* This Maximum Price Regulation No. 136 (§§ 1390.1 to 1390.16 inclusive) shall become effective May 18, 1942.

§ 1390.15 *Appendix A: Illustrative list of machines and parts—(a) Prime movers.*

Diesel Engines.
Gasoline and Kerosene Engines.
Steam Engines and Steam Turbines.
Parts and Accessories of Such Machinery.

(b) *Industrial power apparatus.*

Boilers, Industrial.
Oil Burners, Industrial.
Soot Blowers and Cleaners, Industrial.
Stokers, Industrial.
Parts and Accessories of Such Apparatus.

(c) *Machine tools.*

Hand-operated Metal-working Machines.
Perishable Tools.

(d) *Material working and fabricating machinery.*

Ceramics Machinery.
Chemical Processing Machinery.
Cotton-ginning Machinery.
Die-Casting Machinery.
Food and Beverage Machinery, including Baking, Canning, Bottling, Confectionery, Brewing, Grain-milling, Meat-packing, Edible Oil, Sugar and Dairy Machinery and Equipment (except Dairy Farm Equipment).
Foundry Machinery.
Glass-Making Machinery.
Hat-Making Machinery.
Laundry, Dry-Cleaning & Clothes Pressing Machinery, Commercial.
Leather-working Machinery.
Packaging, Wrapping, Filling and Labeling Machinery.
Paint-making Machinery.
Petroleum-refining Machinery.
Pharmaceutical Machinery.
Plastics Molding and Fabricating Machinery.
Presses.
Printing Machinery.
Plate-making Machinery.
Pulp, Paper and Paper Products Machinery.
Rod and Wire-working Machinery.
Rolling Mill Machinery.
Rubber-working Machinery.
Sewing Machines, Industrial.
Shoe Manufacturing and Repairing Machinery.
Spring-winding and forming Machinery.
Stone-working Machinery.
Textile Preparatory and Finishing Machinery.
Tobacco-working Machinery.
Wire-drawing Machinery.
Woodworking Machinery.

Parts and Accessories for Such Machinery.

(e) *Construction and mining machinery.*

Cement and Concrete-making Machinery.

Cranes, Hoists and Derricks.

Dredging Machinery.

Drilling Machinery.

Excavating Machinery, including Power Shovels, Draglines and Power Scrapers.

Heaters, Stone, Sand or Bitumen.

Mine Cars and Trucks.

Oil Well Pumps.

Ore-Crushing and Concentrating Equipment.

Ore Smelting Equipment.

Portable Power Driven Tools.

Road Building Machinery (Graders, Pavers, Rollers, etc.).

Rock Crushers.

Snow-Flows.

Spreaders.

Well-Drilling Equipment.

Parts and Accessories for such Machinery.

(f) *Electrical equipment.*

Arc and Resistance Welding Equipment and Supplies.

Armature Coils.

Carbon Products for Electrical Use.

Carrier Current Apparatus.

Communication Equipment, including Telephone, Telegraph, and Signalling Apparatus and Public Address Systems. Commutators and Commutator Segments.

Electric Motors, Generators, Motor-Generator Sets, and Magnetos.

Electric Storage Batteries.

Electric Transcription and Recording Equipment, Commercial.

Electrical Brushholders.

Electrical Industrial Heating Units and Devices.

Electrical Insulating Products, including Manufactured Mica and varnished Fabric and Paper Products.

Electrical Power Conversion and Rectifying Equipment of any type or size.

Electrical Power Transmission and Distribution Equipment.

Electrical Wire, Cable and Cable Accessories.

Field Coils.

Illuminating Glassware.

Illumination Equipment, including concrete Mounting Posts.

Instruments for Measuring Electrical Quantities.

Large Electrical Power Generating Equipment.

Magnets, including Lifting Magnets.

Neon Indicator Attachments.

Overhead Trolley Line Material.

Power Factor Correction Equipment.

Radio and Television Apparatus and Parts, including Direction Finders, Plane Locators, and Electronic Tubes.

Special Electrical Metals and Alloys (except steel with less than 6% alloy content) in any form used for Electrical Resistance, Magnetic or Glass Sealing Purposes, including Special Contact Alloys and Special Filament Coated Iron Wire.

Switchgear and Electrical Controls.

Transformers (including Specialty Transformers).

Wiring Devices and Supplies, including Fuses, Conduit Fittings, Metallic Outlets and Switchboxes, and Underfloor Ducts.

X-Ray and Electro-Therapeutic Apparatus.

(g) *Railroad equipment.*

For Steam and Electric Railroads and Surface, Elevated and Underground Railways:

Freight cars.

Passenger cars.

Locomotives and Tenders, including Mining and Industrial Uses.

Car and Locomotive Parts and Specialties:

Bearings, Truck Side.

Boilers, Fireboxes, Front Ends, Cabs, and Insulation, Fittings, Fixtures, Devices or Appliances Mounted Thereon.

Brakes and Brake Gear.

Coupler Devices or Attachments.

Devices and Appliances Mounted on Locomotives for Treatment, Distribution and Control of Water, Fuel, Steam, Sand, and Electricity.

Doors and Fixtures.

Draft Gears, Buffers and Attachments.

Driving, Foundation and Running Gear.

Heating, Lighting, Ventilating and Air Conditioning Equipment.

Lavatory Equipment.

Lubricating Devices.

Machines, Tools, Devices and Appliances Designed Specifically for the Installation, Operation, Maintenance and Protection of Tracks, Yards, Signals, Rolling Stock and Motive Power.

Miscellaneous Fittings, Fixtures, Specialties, Devices or appliances Designed Specifically for Use on Cars or Locomotives.

Safety Appliances and Warning Devices.

Sides, Roofs, Ends, Running Boards, Brake Stops.

Signal Equipment, including Highway Crossing Signals.

Spring Rigging, Snubbers, Shock Absorbers.

Stationary Plants for Handling, Fuel, Sand, Water and Cinders.

Steel Tires, Journal Boxes.

Train Control Apparatus.

Trucks, Complete; Wheels, Cast Iron and Spun Steel.

Underframes.

(h) *Auxiliary industrial equipment.*

Air-Conditioning and Refrigerating Equipment and Parts, Industrial.

Dust Collecting Equipment and Parts, Industrial.

Furnaces and Ovens and Parts, Industrial.

Meat Exchange Equipment & Pressure Vessels and Parts.

Lubricating Systems and Devices.

Marking and Numbering Machines.

Material Handling Equipment (Industrial Cars, Trucks, etc.), and Parts.

Water Softening Equipment and Parts, Industrial.

(i) *Miscellaneous.*

Crawler and Non-Agricultural Tractors. Elevators and Conveyors.

Fans and Blowers, including Domestic Hot Air Furnace Fans.

Gas Engines & Gas Generators and Parts, Industrial.

Gas Welding and Cutting Equipment.

Measuring Instruments, and Parts.

Portable Heating, Melting, Burning and Thawing Equipment.

Pumps and Air Compressors, and Parts.

Scales, Weighing.

Surveying and Drafting Instruments.

(j) *Parts and subassemblies.*

Anti-friction and Friction Bearings.

Axles.

Bi-metallic Thermal Strips.

Bushings.

Carburetors.

Drop and Open Die Forgings.

Filters, Strainers and Separators.

Flexible Metallic Hose.

Gaskets and Packing.

Gears, Pinions, Sprockets and Speed Reducers.

Holders for Power Driven Tools.

Injectors, Atomizers and Nozzles, Industrial.

Metal Stampings.

Piston Rings.

Power Transmission Equipment:

Bearing Housings.

Belt Tighteners and Shifters.

Belts and Belting.

Clutches.

Couplings and Collars.

Flexible Steel Shafts.

Motor Bases.

Pillow Blocks and Hangers.

Pulleys and Sheaves.

Universal Joints.

Variable Speed Drives.

Roller and Silent Chains.

Spark Plugs.

Springs.

Sprocket Chains.

Spun Metal Work.

Valves, Automatic.

Wheels.

§ 1390.16 *Appendix B: Machines and parts not included.*

NOTE: Maximum prices for most of the following machines and parts are established by the General Maximum Price Regulation or by other price schedules, regulations or orders issued by the Office of Price Administration.

(a) *Miscellaneous.*

Abrasive Wheels and Belts.

Christmas Tree Lighting Sets.

Domestic Electrical Appliances (except Fans and Blowers).

Domestic Furnaces.

Domestic Radios and Phonographs.

Domestic Stokers.

Drill Pipe, Casing and Tubing.

Dry Batteries.

Flashlights.

Frames, Bolsters, Couplers and Yokes.

Grey Iron Castings.

Hand Holst Chains.

Hand Tools.

High Tension Porcelain Insulators.

Household Machines.

Incandescent and Fluorescent Bulbs and Tubes.

Industrial Diamonds and Diamond Products.

Iron and Steel Products (as defined in Price Schedule 6).

Malleable Iron Castings.

Mechanical Rubber Goods.

Office Machines.

Porcelain Bushings.
 Portable Lamps.
 Railroad Car and Locomotive Axles.
 Rails.
 Reducing Bushings.
 Rolled Steel Wheels.
 Round Link and Coil Chains.
 Rubber Belts and Belting.
 Steel Castings.
 Surgical, Optical and Dental Instruments.
 Tieplates.
 Track Spikes and Track Bolts.
 Watches and Clocks.

Farm Equipment:

Barn and Barnyard Equipment.
 Bee-keepers' Supplies.
 Buggies.
 Cultivators and Weeders.
 Dairy Farm Machinery and Equipment:
 Cream Separators (farm size).
 Milk Coolers (farm size).
 Milking Machines.
 Electric Fence Controllers.
 Farm Grain Elevators.
 Farm Pumps and Water Systems.
 Farm Spraying Equipment.
 Farm Tractors.
 Farm Wagons, Trucks & Trailers.
 Farm Wood-sawing Machines.
 Garden Tractors.
 Harvesting Machinery.
 Harrows, Rollers, Pulverizers & Stalk Cutters.
 Haying Machinery.
 Harness and Saddlery.
 Planting, Seeding, and Fertilizing Machinery.
 Plows and Listers.
 Poultry Farm Equipment.
 Silos.
 Windmill Generating Sets.
 Windmills.
 Machines for Farm Processing for Market or for Farm Use:
 Cane Mills (farm size).
 Cider Mills.
 Corn Shellers.
 Corn Huskers and Shredders.
 Ensilage Cutters.
 Feed Cutters.
 Feed Grinders and Crushers.
 Fruit Presses.
 Grain Cleaners and Graders.
 Grain Threshers.
 Hammer Mills.
 Hay Presses.
 Pea and Bean Threshers.
 Peanut Pickers.
 Potato Sorters and Graders.
 Syrup Evaporators.

Parts of all of the above Machinery (unless reference to such parts is made in § 1390.15 Appendix A, hereof).

(b) Completely assembled.

Airplanes.
 Automobiles and Trucks.
 Boats and Ships.

(c) Completed assemblies of combatant units, such as—

Airplanes.
 Armaments.
 Bomb Sights.
 Calissons.
 Combat Vehicles.
 Guns.
 Gun Sights.
 Howitzers.

Mortars.
 Ships and Boats.
 Torpedoes.

(d) Pyrotechnics, such as—

Primers.
 Boosters.
 Fuses.

Issued this 28th day of April 1942.

LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-3804; Filed, April 28, 1942;
 4:01 p. m.]

PART 1395—NONFERROUS FOUNDRY PRODUCTS

MAXIMUM PRICE REGULATION NO. 125— NONFERROUS FOUNDRY PRODUCTS

In the judgment of the Price Administrator the prices of nonferrous castings have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of nonferrous castings prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable, will effectuate the purposes of said Act and will supplement the provisions of the General Maximum Price Regulation. A statement of the considerations involved in the issuance of this Regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 125 is hereby issued.

AUTHORITY: §§ 1395.1 to 1395.11, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1395.1 *Maximum prices for nonferrous castings.* On and after May 11, 1942, regardless of any contract, agreement, lease, or other obligation, and except as provided in § 1395.2 hereof, no person shall sell or deliver nonferrous castings, and no person shall buy or receive nonferrous castings in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1395.11; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1395.2 *Exceptions.* (a) Permission granted to Yuba Manufacturing Company, San Francisco, California, to use the formula set forth in a letter of this Office dated March 20, 1942, in pricing

castings substantially different from those sold or contracted to be sold during the period from October 1 to 15, 1941, inclusive, is hereby continued. In applying the new formula, the company is required to use the labor and material costs which it would have used on October 15, 1941, even though such costs have increased since that date.

(b) Permission granted to Brainerd Foundry Company, Inc., Brainerd, Minnesota, to sell to Northern Pacific Railway Company, St. Paul, Minnesota, the castings described below at the prices set forth below, is hereby continued:

	Cwt.
Grade A Castings.....	\$17.010
Grade B Castings.....	15.743
Grade B Chill Castings.....	18.870
Grade B Truck & Trailer Castings....	18.734
Grade C Castings.....	16.670
Journal Bearings.....	14.248

(c) Permission granted to N. M. Hurn, doing business as Sheltered Oaks Brass Foundry, Stockton, California, to sell bronze bushings produced by said foundry on and after April 11, 1942, at 38 cents per pound, is hereby continued.

§ 1395.3 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1395.10) may be charged, demanded, paid or offered.

§ 1395.4 *Conditional agreements.* No seller of nonferrous castings shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1395.11, in the event that this Maximum Price Regulation No. 125 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1395.5 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 125 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to nonferrous castings, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1395.6 *Records and reports.* (a) Every person making a purchase or sale of nonferrous castings, in the course of trade or business, after May 10, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer, (3) the list price, if any, on the date of sale, (4) the net price received after adjustment for all extra charges, discounts, or other allow-

ances, (5) the quantity and description of each type of nonferrous castings sold and (6) the actual cost incurred in the production of the nonferrous casting sold, and a summary of the calculations made in computing such cost and the price charged. The records of actual cost and the summary of calculations may, when necessary, cover groups of castings.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require or permit.

§ 1395.7 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 125 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 125 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1395.8 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 125 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1395.9 *Definitions.* (a) When used in this Maximum Price Regulation No. 125, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Nonferrous castings" include all castings made in sand, semi-permanent or permanent molds poured at atmospheric pressure from aluminum, antimony, bismuth, cadmium, cobalt, copper, lead, magnesium, nickel, beryllium, tin, zinc, and their alloys where any one or any combination of the above metals equals or exceeds fifty percentum (50%) by weight of the total metal content, and suitable for use or further fabrication without remelting.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1395.10 *Effective date.* This Maximum Price Regulation No. 125 (§§ 1395.1 to 1395.11, inclusive) shall become effective May 11, 1942.

§ 1395.11 *Appendix A: Maximum prices for nonferrous castings—(a) Castings substantially the same as those sold or*

contracted to be sold during the period from October 1, to October 15, 1941, inclusive. The applicable maximum price for such castings shall be the highest net price (after adjustment for all applicable extra charges, discounts or other allowances) at which the seller sold or contracted to sell such castings to a purchaser of the same class² during the period from October 1 to October 15, 1941, inclusive.

(b) *Castings substantially different from those sold or contracted to be sold during the period from October 1 to October 15, 1941, inclusive.* The applicable maximum price for such castings shall be a net price (after adjustment for all applicable extra charges, discounts or other allowances) not in excess of that at which the seller would have sold such castings to a purchaser of the same class on October 15, 1941, under the pricing formula or method of calculating price used by the seller on October 15, 1941, employing the same cost factors (wage rates, prices of materials and overhead) and profit margins which the seller would have used on October 15, 1941, even though the seller's costs or profit margins may have increased since that date.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Dec. 42-3795; Filed, April 28, 1942; 3:53 p. m.]

PART 1399—CONSTRUCTION, OIL FIELD, MINING, AND RELATED MACHINERY

MAXIMUM PRICE REGULATION NO. 134—CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES

In the judgment of the Price Administrator the rental prices for construction and road maintenance equipment have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has further ascertained and given due consideration to the rental prices of construction and road maintenance equipment prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum rental prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

²When used in this section the term "purchaser of the same class" refers to the classification of purchasers adopted by the seller in pricing castings during the period October 1 to 15, 1941, inclusive.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,³ issued by the Office of Price Administration, Maximum Price Regulation No. 134 is hereby issued.

AUTHORITY: §§ 1359.1 to 1359.10, inclusive, issued pursuant to Pub. Law 421, 77th Cong.

§ 1399.1 *Maximum rental prices for construction and road maintenance equipment.* On and after May 11, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall lease or rent, or deliver or receive for rental, any construction or road maintenance equipment at rental prices or rates in excess of the rental prices or rates set forth in Appendix A, incorporated herein as § 1399.10; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1399.2 *Less than maximum prices.* Lower rental prices or rates than those set forth in this Maximum Price Regulation No. 134 may be charged, demanded, paid, or offered.

§ 1399.3 *Conditional agreements.* No person shall enter into any lease or other agreement permitting the adjustment of rental prices or rates which may be higher than the maximum rental prices or rates provided herein, in the event that this Maximum Price Regulation No. 134 is amended or is determined by a court to be invalid, or pending any other contingency: *Provided*, That if a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this Section, permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or for exception). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception).

§ 1399.4 *Erosion.* The maximum rental prices and rates set forth in this Maximum Price Regulation No. 134 shall not be circumvented or evaded, directly or indirectly, by making a charge for transportation of construction and road maintenance equipment on a basis not heretofore customarily used, by hereafter establishing or extending a minimum rental period for any construction and road maintenance equipment, or by way of commission, service, or other charge, or by way of premium or other privilege, or by changing an adjunct or an accessory tool of any construction or road maintenance equipment to obtain a capacity higher than the manufacturer's rated capacity for such equipment.

§ 1399.5 *Records and reports.* (a) Every lessor of construction or road maintenance equipment shall keep for inspection by the Office of Price Administration records of each lease or rental agreement showing the name and address

of the lessee, the character and quantity of equipment leased, the date of the lease, the actual period of lease, the rental price or rate charged, the construction project or locality for which the equipment was leased, and any payments to the lessor apart from the rental price or rate charged.

(b) Any lessor who desires to continue an established practice in effect on April 15, 1942 of requiring a minimum period of rental shall, on or before May 25, 1942, file with the Office of Price Administration, Washington, D. C., a statement explicitly setting forth the nature of such practice, the construction or road maintenance equipment to which such practice applies, and copies of leases, invoices, or published rental lists and any other relevant proof showing that such practices were in effect on April 15, 1942.

(c) Every person subject to this Maximum Price Regulation No. 134 shall keep such other records, either in substitution for or in addition to the records herein required, and shall submit such reports as the Office of Price Administration may, in writing, from time to time require.

§ 1399.6 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 134 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1399.7 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 134 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1399.8 *Definitions.* (a) When used in this Maximum Price Regulation No. 134, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Construction or road maintenance equipment" means any machinery or equipment specifically set forth in Appendix A, incorporated herein as § 1399.10.

(3) "Rental price" means the amount charged for any construction or road maintenance equipment for the period of use or possession thereof upon the basis of the applicable rate set forth in the Table of Rates, § 1399.10 (f).

(4) "Daily period" means a period of 24 consecutive hours.

(5) "Weekly period" means a period of 7 consecutive daily periods.

(6) "Monthly period" means a period of 30 consecutive daily periods.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control

Act of 1942 shall apply to other terms used herein.

§ 1399.9 *Effective date.* This Maximum Price Regulation No. 134 (§§ 1399.1 to 1399.10, inclusive) shall become effective May 11, 1942.

§ 1399.10 *Appendix A: Maximum rental prices.* (a) For any construction or road maintenance equipment leased by the day and which is not in actual use for more than 8 hours during one daily period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per day" in the Table of Rates set forth in paragraph (f) of this Appendix. For any such equipment which is in actual use for more than 8 but not more than 16 hours during one daily period, the maximum additional rental price for such additional use shall be the rental price calculated upon the basis of 50% of the applicable rate "per day." For any such equipment which is in actual use for more than 16 hours during one daily period, the maximum additional price for the total additional use over 8 hours shall be the rental price calculated upon the basis of 100% of the applicable rate "per day."

(b) For any construction or road maintenance equipment leased by the week and which is not in actual use for more than 48 hours during one weekly period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per week" in the Table of Rates set forth in paragraph (f) of this Appendix. For any such equipment which is in actual use for more than 48 but not more than 96 hours during one weekly period, the maximum additional rental price for such additional use shall be the rental price calculated upon the basis of 50% of the applicable rate "per week." For any such equipment which is in actual use for more than 96 hours during one weekly period, the maximum additional rental price for the total additional use over 48 hours shall be the rental price calculated upon the basis of 100% of the applicable rate "per week."

(c) For any construction or road maintenance equipment leased by the month and which is not in actual use for more than 240 hours during one monthly period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per month" in the Table of Rates set forth in paragraph (f) of this Appendix. For any such equipment which is in actual use for more than 240 hours during one monthly period, the maximum rental price for each additional hour, or part thereof, of actual use shall be the rental price calculated upon the basis of 1/480th of the applicable rate "per month."

(d) Notwithstanding the provisions of paragraphs (a), (b), and (c) of this Appendix, where any construction or road maintenance equipment is leased by the day and the rental price thereof calculated upon the basis of the applicable rate "per day" exceeds either the applicable rate "per week" or the applicable rate "per month", or where such equipment is leased by the week and the

rental price thereof calculated upon the basis of the applicable rate "per week" exceeds the applicable rate "per month", the maximum rental price shall be the rental price calculated upon the rate most favorable to the lessee.

(e) Notwithstanding the provisions of paragraphs (a), (b), (c), and (d) of this Appendix, a lessor, who on April 15, 1942, observed an established practice of requiring a minimum period of rental for any construction or road maintenance equipment may continue such practice for such equipment: *Provided*, that such lessor shall, on or before May 25, 1942, file a report pursuant to § 1399.5.

(f) Table of rates

AIR COMPRESSORS—STATIONARY

HIGH PRESSURE

Electric Motor Drive

Actual delivered air	Per month	Per week	Per day
25 cubic feet.....	\$30.00	\$10.00	\$2.50
42 cubic feet.....	48.00	16.00	3.50
50 cubic feet.....	50.00	17.00	4.50
60 cubic feet.....	60.00	20.00	5.00
85 cubic feet.....	80.00	27.00	7.00
105 cubic feet.....	94.50	31.50	8.00
210 cubic feet.....	168.00	56.00	14.00
315 cubic feet.....	220.00	70.00	17.50
420 cubic feet.....	250.00	83.00	21.00
520 cubic feet.....	280.00	93.00	23.00

LOW PRESSURE

750 cubic feet.....	\$250.00	\$83.00	\$21.00
1,039 cubic feet.....	365.00	121.00	30.00

Electric motor with belt idler, unloader, automatic oiler, starter and tank receiver included.

AIR COMPRESSORS—STATIONARY

HIGH PRESSURE

Gasoline

Actual delivered air	Per month	Per week	Per day
25 cubic feet.....	\$40.00	\$13.00	\$3.50
42 cubic feet.....	60.00	20.00	5.00
50 cubic feet.....	75.00	25.00	6.50
60 cubic feet.....	85.00	28.00	7.00
85 cubic feet.....	100.00	33.00	8.50
105 cubic feet.....	110.00	37.00	9.00
160 cubic feet.....	150.00	50.00	12.50
210 cubic feet.....	200.00	67.00	17.00
315 cubic feet.....	350.00	117.00	29.00
420 cubic feet.....	450.00	150.00	37.50
520 cubic feet.....	550.00	183.00	46.00

Gasoline engine with belt, idler, unloader, automatic oiler, starter, receiver included.

AIR COMPRESSORS—PORTABLE

(A) TWO STAGE AND NEW DESIGN SINGLE STAGE—WATER COOLED OR AIR COOLED

Gasoline Engine—All Types of Wheel Mounting.

Actual delivered air	Per month	Per week	Per day
85 cu. ft.....	\$125.00	\$41.50	\$10.50
105 cu. ft.....	142.00	47.00	11.50
160 cu. ft.....	210.00	70.00	17.50
210 cu. ft.....	234.00	94.50	23.50
315 cu. ft.....	375.00	125.00	31.00

Diesel Engine—All Types of Wheel Mountings

105 cu. ft.....	\$180.00	\$60.00	\$15.00
160 cu. ft.....	249.00	83.00	20.50
210 cu. ft.....	331.00	110.00	27.50
315 cu. ft.....	400.00	133.00	33.00
425 cu. ft.....	550.00	183.00	46.00
500 cu. ft.....	675.00	225.00	56.00

(f) Table of rates—Continued
AIR COMPRESSORS—PORTABLE—Con.

(b) SINGLE STAGE (OVER 5 YEARS)

Actual delivered air:	Piston displacement	Cu. ft.
60 cu. ft.-----	90	
85 cu. ft.-----	120	
105 cu. ft.-----	160	
130 cu. ft.-----	180	
160 cu. ft.-----	240	
210 cu. ft.-----	300	
260 cu. ft.-----	360	
315 cu. ft.-----	450	

Maximum rental per month \$1.00 per cu. ft. of actual delivered air per month. Maximum rate per week $\frac{3}{4}$ of rate per month. Maximum rate per day $\frac{1}{4}$ rate per week.

AIR TOOLS

	Per month	Per week	Per day
Chippers-----	\$20.00	\$5.00	\$2.50
Clay spades (one scoop) small-----	20.00	10.00	2.50
Clay spades (one scoop) large-----	25.00	12.00	3.00
Drifters-----	65.00	22.00	6.00
Grinders-----	30.00	12.00	3.00
Hoists—Air 1,000# single drum-----	50.00	18.00	4.50
Hoists—Air 2,000# single drum-----	65.00	22.00	5.50
Hoists—2,000# double drum (Air)-----	80.00	27.00	6.50
Hose—Air $\frac{1}{2}$ in. per 50' length-----	5.00	2.50	1.00
Hose—Air $\frac{3}{4}$ in. per 50' length-----	6.00	3.00	1.50
Hose whip-----	3.00	1.00	.50
Jackhammer 44# lbs.-----	30.00	14.00	3.50
Jackhammer 56# lbs.-----	30.00	14.00	3.50
Jackhammer 80# lbs.-----	40.00	18.00	4.00
Mounted Jackhammers-----	60.00	20.00	5.00
Paving Breakers 50#—66#-----	30.00	14.00	3.50
Paving Breakers 72#—84#-----	35.00	15.00	3.50
Rivet Buckers-----	14.00	5.00	1.50
Rivet Hammers-----	25.00	10.00	2.50
Saws—air-----	50.00	20.00	5.00
Stoppers-----	30.00	12.00	3.00
Sump pumps (small)-----	45.00	17.00	5.00
Sump pumps (medium)-----	55.00	21.00	5.50
Sump pumps (tender)-----	70.00	23.00	6.00
Tampers-----	25.00	12.00	3.00
Vibrators small-----	30.00	12.00	3.00
Vibrators medium-----	45.00	18.00	4.50
Vibrators large-----	65.00	22.00	5.50
Wagon Drills (with air hoist)-----	105.00	50.00	10.00

All above air hose includes couplings, on both ends. Tools do not include air hose which is separate item.

DRILL STEELS

	Per month	Per week	Per day
2 ft. $\frac{3}{8}$ " shank hex-----	\$1.00	\$0.50	\$0.25
4 ft. $\frac{3}{8}$ " shank hex-----	1.25	.63	.33
6 ft. $\frac{3}{8}$ " shank hex-----	2.00	.83	.40
8 ft. $\frac{3}{8}$ " shank hex-----	2.25	1.00	.60
10 ft. $\frac{3}{8}$ " shank hex-----	2.50	1.25	.80

Drill steels have rose point bits or are threaded for jackbits. Rates include threads on steel.

MOIL POINTS

Moil points-----	\$1.75	\$1.25	\$0.75
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ITEMS FOR MAINTAINING AIR TOOLS

FORGE

	Per month	Per week	Per day
14 in.-----	\$30.00	\$10.00	\$2.50
23 in.-----	40.00	13.00	3.50

SHARPENERS FOR DRILL STEEL

Max. diameter of steel:	Per month	Per week	Per day
$\frac{1}{2}$ in.-----	\$75.00	\$25.00	\$6.50
$\frac{3}{4}$ in.-----	125.00	42.00	10.50
$\frac{1}{2}$ in.-----	175.00	58.00	15.00

Dies included.

(f) Table of rates—Continued
ANGLE—DOZER

	Per month	Per week	Per day
For 91-135 H. P. Tractor-----	\$175.00	\$55.00	\$14.00
70-87 H. P. Tractor-----	145.00	47.00	12.00
45-63 H. P. Tractor-----	135.00	45.00	11.00
35-59 H. P. Tractor-----	105.00	35.00	8.50

When angle dozers are rented with tractor add tractor rates.

BATCHERS—WEIGHING

WITH OR WITHOUT BIN GATES

	Per month	Per week	Per day
For weighing one material-----	\$30.00	\$10.00	\$3.00
For weighing two materials-----	60.00	20.00	7.00
For weighing three materials-----	90.00	30.00	8.50
For weighing four materials-----	120.00	40.00	10.00

BOILERS

VERTICAL

	Per month	Per week	Per day
15 H. P. and under-----	\$30.00	\$10.00	\$3.00
20 to 39 H. P.-----	75.00	25.00	6.50
35 to 59 H. P.-----	100.00	33.00	8.50
60 to 75 H. P.-----	125.00	42.00	10.50

HORIZONTAL—LOCOMOTIVE TYPE

	Per month	Per week	Per day
50 H. P.-----	\$100.00	\$33.00	\$9.50
60 H. P.-----	110.00	37.00	9.00
80 H. P.-----	125.00	42.00	10.50
100 H. P.-----	175.00	58.00	15.00
120 H. P.-----	200.00	67.00	17.00

BUCKETS

CLAMSHELL—GENERAL PURPOSE (TEETH INCLUDED)

	Per month	Per week	Per day
$\frac{1}{2}$ yard-----	\$75.00	\$25.00	\$7.50
$\frac{3}{4}$ yard-----	90.00	30.00	8.00
1 yard-----	105.00	35.00	9.00
$1\frac{1}{4}$ yard-----	125.00	42.00	10.50
$1\frac{1}{2}$ yard-----	145.00	47.00	12.00

BOTTOM DUMP—CONCRETE

	Per month	Per week	Per day
7 to 12 cu. ft.-----	\$10.00	\$3.50	\$1.00
14 to 18 cu. ft.-----	20.00	7.00	2.00
21 to 39 cu. ft.-----	30.00	10.00	2.50
54 to 60 cu. ft.-----	50.00	17.00	4.50

DRAGLINE (TEETH INCLUDED)

	Per month	Per week	Per day
$\frac{1}{2}$ yard-----	\$25.00	\$18.00	\$4.50
$\frac{3}{4}$ yard-----	75.00	25.00	6.50
1 yard-----	85.00	28.00	7.00
$1\frac{1}{4}$ yard-----	95.00	32.00	8.00
$1\frac{1}{2}$ yard-----	105.00	35.00	8.75
2 yard-----	125.00	42.00	10.50
3 yard-----	170.00	50.00	12.50

ORANGE PEEL

	Per month	Per week	Per day
5 cu. ft. or smaller-----	\$75.00	\$25.00	\$7.50
7 cu. ft. to $\frac{1}{2}$ cu. yd.-----	100.00	35.00	8.75
$\frac{3}{4}$ cu. yd.-----	125.00	42.00	10.50
1 cu. yd.-----	150.00	50.00	12.50
$1\frac{1}{2}$ cu. yd.-----	200.00	67.00	17.00

(f) Table of rates—Continued
BUCKETS—Continued

TIP OVER (FORWARD TYPE)

	Per month	Per week	Per day
$\frac{1}{2}$ cu. yd.-----	\$15.00	\$5.00	\$1.50
$\frac{3}{4}$ cu. yd.-----	18.00	6.00	1.50
1 cu. yd.-----	20.00	7.00	2.00

TOWER

	Per month	Per week	Per day
7 to 8 cu. ft.-----	\$15.00	\$5.00	\$1.50
14 to 19 cu. ft.-----	25.00	8.50	2.50
21 to 33 cu. ft.-----	30.00	10.00	2.50

Tower buckets include top and bottom switches where switches are necessary.

BULLDOZERS

For-----	Per month	Per week	Per day
91-135 H. P. Tractor-----	\$145.00	\$45.00	\$12.00
70-87 H. P. Tractor-----	120.00	40.00	10.00
45-63 H. P. Tractor-----	110.00	35.00	9.00
35-59 H. P. Tractor-----	85.00	28.00	7.50

When bulldozer is rented with tractor add tractor rates.

CAGES

MATERIAL WITH SHEAVES

	Per month	Per week	Per day
All sizes—single-----	\$20.00	\$7.00	\$2.00
All sizes—double-----	30.00	10.00	2.50

CARS

DUMP

Capacity	Gauge	Per month	Per week	Per day
$\frac{1}{2}$ yard-----	24 to 28 inch-----	\$20.00	\$7.00	\$2.00
1 yard-----	24 to 28 inch-----	25.00	8.50	2.00
$1\frac{1}{4}$ yards-----	24 to 28 inch-----	35.00	12.00	3.00
2 yards-----	24 to 28 inch-----	45.00	15.00	4.00

CARTS

CONCRETE

	Per month	Per week	Per day
6-foot with hard-steel wheels-----	\$5.20	\$2.00	\$0.50
6-foot with rubber-tired wheels-----	12.00	4.00	1.00
9-foot with rubber-tired wheels-----	15.00	5.00	1.50
11-foot with rubber-tired wheels-----	15.00	5.00	1.50

CHUTES

CONCRETE

	Per month	Per week	Per day
10-foot swivel head-----	\$5.00	\$2.00	\$1.00
20-foot swivel head-----	10.00	3.00	1.00
30-foot swivel head-----	15.00	5.00	1.00

COLUMN CLAMPS

	Per month	Per week	Per day
25-inch-----	\$0.25	\$0.10	\$0.05
45-inch-----	.30	.10	.05

(f) Table of rates—Continued

CONVERTERS
ROTARY

	Per month	Per week	Per day
1,000-watt, 110 DC to 110 AC....	\$15.00	\$5.00	\$1.50

CRANES

FACTORY STANDARD LENGTH BOOM

Crawler Type—Diesel Engine Driven (No Bucket)

Capacity	Clamshell	Per month	Per week	Per day
4-5 ton.....	¾ cu. yd.....	\$350.00	\$117.00	\$29.00
5½-6 ton.....	¾ cu. yd.....	450.00	150.00	37.50
7-9 ton.....	¾ cu. yd.....	500.00	167.00	42.00
10-12 ton.....	¾ cu. yd.....	600.00	200.00	50.00
13-15 ton.....	1 cu. yd.....	700.00	233.00	58.00
20-25 ton.....	1¼ cu. yd.....	900.00	300.00	75.00
26-33 ton.....	1½ cu. yd.....	1,050.00	350.00	87.50
34-40 ton.....	1¾ cu. yd.....	1,200.00	400.00	100.00
40-45 ton.....	2 cu. yd.....	1,400.00	467.00	117.00

Crawler Type—Gasoline Engine Driven (No Bucket)

4-5 ton.....	¾ cu. yd.....	\$350.00	\$117.00	\$29.00
5½-6 ton.....	¾ cu. yd.....	400.00	133.00	33.00
7-9 ton.....	¾ cu. yd.....	450.00	150.00	37.50
10-12 ton.....	¾ cu. yd.....	500.00	167.00	42.00
13-15 ton.....	1 cu. yd.....	600.00	200.00	50.00
20-25 ton.....	1¼ cu. yd.....	750.00	250.00	62.50
26-33 ton.....	1½ cu. yd.....	975.00	325.00	81.00
34-40 ton.....	1¾ cu. yd.....	1,200.00	400.00	100.00
40-45 ton.....	2 cu. yd.....	1,400.00	467.00	117.00

Locomotive (Steam)

	Per month	Per week	Per day
Less than 10 tons.....	\$500.00	\$167.00	\$42.00
10-21 tons.....	600.00	200.00	50.00
22-25 tons.....	700.00	233.00	58.00
26-30 tons.....	800.00	267.00	67.00
31-35 tons.....	1,000.00	333.00	83.00
36-40 tons.....	1,200.00	400.00	100.00

TRUCK—GASOLINE ENGINE DRIVEN

(Complete with boom and mounted on truck)

Rates per hour

6 tons.....	\$10
8 tons.....	12
10 tons.....	15
15 tons.....	20

Truck crane rates include gasoline, oil, operator moving to and from job. Maximum rental to begin when truck crane leaves for job and to cease when truck crane returns to warehouse.

Equipment is not adapted to rentals on same bases as other equipment being subject to highway regulations, licensed truck drivers, license plates, liability insurance.

CRUSHERS—JAW

No Accessories—Without Power

	Per month	Per week	Per day
Opening 6 x 12.....	\$55.00	\$18.00	\$4.50
Opening 8 x 15.....	68.00	22.00	5.50
Opening 9 x 16.....	85.00	28.00	7.00
Opening 8 x 24.....	110.00	37.00	9.50
Opening 9 x 24.....	165.00	55.00	14.00
Opening 9 x 36.....	195.00	65.00	16.50
Opening 10 x 16.....	135.00	45.00	11.00
Opening 10 x 20.....	155.00	52.00	13.00
Opening 10 x 26.....	210.00	70.00	17.50
Opening 12 x 24.....	220.00	73.00	18.00
Opening 12 x 36.....	265.00	88.00	22.00
Opening 14 x 36.....	360.00	120.00	30.00
Opening 18 x 36.....	440.00	147.00	37.00

The above rates include crusher being furnished with good, serviceable manganese jaws and equipment must be returned with jaws in the same condition.

If jaws are worn out or broken during job, replacement must be made by lessee.

These crusher rates do not include such equipment as elevators, screens or motive power. Elevators and screens are not generally rented and in no case are they rented except with a crusher. When they are rented the maximum rate shall not exceed 10% of the selling price per month.

(f) Table of rates—Continued

DERRICKS
CIRCLE SWING

	Per month	Per week	Per day
1,000 lbs. capacity.....	\$15.00	\$5.00	\$1.50
1,800 lbs. capacity.....	17.00	6.00	1.50
2,500 lbs. capacity.....	20.00	7.00	2.00

POLE

4 x 6—22-foot.....	\$10.00	\$4.00	\$2.00
6 x 6—22-foot.....	12.50	4.00	4.00
6 x 8—22-foot.....	15.00	4.50	4.50
8 x 8—22-foot.....	17.50	5.00	5.00

SETTER

22-foot top point.....	\$15.00	\$5.00	\$3.00
22-foot regular.....	15.00	5.00	3.00

Circle swing and pole derricks include winch, cable and load block. Setter derrick rates include winch, cable and load blocks where wire rope is used. If manilla rope is desired for setter derricks lessee must purchase manilla rope and blocks at his own expense in addition to the above rental rates.

STIFF LEG—WOOD

Capacity	Length of boom	Per month	Per week	Per day
1 ton.....	24 feet, inclusive.....	\$35.00	\$12.00	\$3.00
2 ton.....	30 feet, inclusive.....	50.00	17.00	4.50
3 ton.....	40 feet, inclusive.....	75.00	25.00	6.50
4 ton.....	50 feet, inclusive.....	100.00	33.00	8.50
5 ton.....	30 feet, inclusive.....	125.00	42.00	10.50
6 to 10 ton.....	40 feet, inclusive.....	150.00	50.00	12.50
15, 20, and 25 ton.....	45 feet, inclusive.....	200.00	67.00	17.00

TOWER

Boom—Material

Any size.....	\$25.00	\$8.50	\$2.00
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Cable not included.

TRIFOD

Width	Capacity	Per month	Per week	Per day
12 feet.....	2,000 to 3,000 lbs.....	\$20.00	\$7.00	\$2.00
14 feet.....	2,000 to 3,000 lbs.....	25.00	8.50	2.00
12 feet.....	4,000 lbs.....	20.00	7.00	2.00
14 feet.....	4,000 lbs.....	25.00	8.50	2.00

Cable, load block and hand winch included.

DRILLS—ROTATING

AIR

WOOD

Capacity	Per month	Per week	Per day
1 inch.....	\$10.00	\$3.50	\$1.00
2 inch.....	20.00	7.00	2.00
4 inch.....	30.00	10.00	2.50

STEEL

¼ inch.....	\$12.00	\$4.00	\$1.00
½ inch.....	15.00	5.00	1.50
¾ inch.....	25.00	8.50	2.00
2 inch.....	35.00	12.00	3.00
3 inch.....	40.00	13.00	3.50

CLOSE CORNER

¾ inch.....	\$15.00	\$5.00	\$1.50
1¼ inch.....	25.00	8.50	2.00
2 inch.....	35.00	12.00	3.00

Boring chuck mandrel or plate for attaching or holding these items included, but drills, augers, or grinding wheels not included.

(f) Table of rates—Continued

DRILLS—ROTATING—Continued
ELECTRIC

Capacity	Per month	Per week	Per day
¼ inch.....	\$15.00	\$5.00	\$1.50
½ inch.....	20.00	7.00	2.00
¾ inch.....	25.00	8.50	2.00

Only standard length electric cable included.

ENGINES

GASOLINE—AIR OR WATER-COOLED

Single Cylinder Industrial Hand, Foot, or Rope Starters
Pulley Only, Without Clutch or Couplings

	Per month	Per week	Per day
1 H. P.....	\$10.00	\$3.00	\$1.00
2 H. P.....	12.00	4.00	1.00
3 H. P.....	14.00	4.50	1.25
4 H. P.....	16.00	5.00	1.50
5 H. P.....	18.00	6.00	1.50
6 H. P.....	20.00	7.00	2.00

GASOLINE—RADIATOR OR AIR-COOLED

2, 4 or 6 Cylinder With Clutch

8 H. P.....	\$25.00	\$8.00	\$2.00
10 to 12 H. P.....	25.00	8.00	2.00
15 to 20 H. P.....	40.00	13.00	3.00
25 H. P.....	60.00	17.00	4.50
35 H. P.....	80.00	20.00	5.00
45 to 60 H. P.....	70.00	23.00	6.00
60 H. P.....	80.00	27.00	7.00

DIESEL

With Clutch and Starter

8 H. P.....	\$37.00	\$12.00	\$3.25
10 to 12 H. P.....	37.00	12.00	3.25
15 to 20 H. P.....	60.00	20.00	5.00
25 H. P.....	75.00	25.00	6.50
35 H. P.....	90.00	30.00	7.50
45 to 60 H. P.....	105.00	35.00	9.00
60 H. P.....	135.00	45.00	11.00
80 H. P.....	210.00	70.00	17.50
100 H. P.....	245.00	82.00	20.50
125 H. P.....	295.00	98.00	24.50
160 H. P.....	445.00	148.00	37.00

STEAM—VERTICAL

5 to 20 H. P.....	\$20.00	\$7.00	\$2.00
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SWINGING—STEAM

5-inch bore by 6-inch stroke.....	\$35.00	\$12.00	\$3.00
6½-inch bore by 8-inch stroke.....	60.00	18.00	4.00

FINISHING MACHINES

CONCRETE FLOOR—TROWEL

Gasoline or Electric

	Per month	Per week	Per day
One size only.....	\$60.00	\$20.00	\$5.00

ROAD MACHINE

GAS, ELECTRIC OR GASOLINE ENGINE DRIVEN WITH
TAMPING ATTACHMENT

10 to 12 foot.....	\$300.00	\$100.00	\$25.00
15 to 20 foot.....	350.00	117.00	29.00
21 to 30 foot.....	375.00	125.00	31.00
Vibrator complete for finishing machine.....	275.00	92.00	23.00

BITUMINOUS MACHINE

GASOLINE ENGINE DRIVEN

Any size (not more than—).....	\$700.00	\$220.00	\$53.00
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(E) Table of rates—Continued

FLOATS
CONCRETE FLOOR

	Per month	Per week	Per day
16-inch compactor.....	\$40.00	\$13.00	\$3.50
20-inch compactor.....	65.00	22.00	5.50
24-inch compactor.....	75.00	25.00	6.50

FORMS
ROAD AND SIDEWALK

Depth	Length	Stakes per section	Price per foot per month
4-inch.....	10-foot.....	2	\$0.05
6-inch.....	10-foot.....	2	.07
7-inch.....	10-foot.....	2	.07
9-inch.....	10-foot.....	2	.11
4-inch cross plates for sidewalk divisions.....			.04

Customer will pay for any stakes lost and forms bent making same unusable and pay for straightening of forms bent which can be put in usable condition.

GENERATORS

ELECTRIC—NO POWER OR SWITCHBOARD

Kw.	Per month	Per week	Per day
1.....	\$15.00	\$5.00	\$1.50
2.....	18.00	6.00	1.50
5.....	25.00	8.00	2.00
7½.....	32.00	11.00	3.00
10.....	40.00	13.00	3.50
15.....	48.00	16.00	4.00
20.....	55.00	18.00	4.50
25.....	60.00	20.00	5.00
35.....	70.00	23.00	6.00
50.....	85.00	28.00	7.00

For above generators with gasoline, diesel or electric power, add rates of these power units set out in this schedule, plus cost of belts and mounting.

GRADERS

BLADE

Hand Control

	Per month	Per week	Per day
6 ft.....	\$50.00	\$17.00	\$4.50
8 ft.....	100.00	33.00	8.50
10 ft.....	150.00	50.00	12.50
12 ft.....	175.00	58.00	15.00

Power Control—With Engine

	Per month	Per week	Per day
8 ft.....	\$20.00	\$67.00	\$17.00
10 ft.....	225.00	75.00	19.00
12 ft.....	250.00	83.00	21.00

ELEVATING

Power

	Per month	Per week	Per day
42 in. with 35 or more H. P. engine.....	\$350.00	\$117.00	\$29.00
48 in. with 40 or more H. P. engine.....	400.00	133.00	33.00

Gear-Driven

	Per month	Per week	Per day
42 in. hand control.....	\$100.00	\$33.00	\$8.50

Take-Off

	Per month	Per week	Per day
42 in. Power Control.....	\$275.00	\$92.00	\$23.00
48 in. Power Control.....	300.00	100.00	25.00
36 in. Hand Control.....	225.00	75.00	19.00

(F) Table of rates—Continued

GRADERS—Continued

PULL TYPE

Hand Control—Leaning Wheels, Steel Wheels or Pneumatic Tires

	Per month	Per week	Per day
8 ft.....	\$100.00	\$33.00	\$8.50
10 ft.....	125.00	42.00	10.50
12 ft.....	150.00	50.00	12.50

GRADERS—MOTOR

GASOLINE ENGINE DRIVEN—PNEUMATIC TIRING

	Per month	Per week	Per day
All wheel drive and steer.....	\$27.00	\$175.00	\$43.00
Tandem drive, heavy duty (10,000 to 21,000).....	450.00	150.00	38.00
Tandem drive, medium weight (10,000 to 18,000).....	400.00	133.00	33.00
Single Drive, light (8,000 to 11,000).....	275.00	92.00	23.00

DIESEL ENGINE DRIVEN—PNEUMATIC TIRING

	Per month	Per week	Per day
All wheel drive and steer.....	\$750.00	\$103.00	\$43.00
Extra heavy duty (10,000 to 21,000).....	525.00	173.00	42.00
Medium weight (17,000 to 18,000).....	450.00	153.00	38.00
Light weight Diesel under 16,000.....	342.00	113.00	28.00

HAMMERS

Electric

	Per month	Per week	Per day
Capacity:			
14-inch.....	\$42.00	\$14.00	\$3.50
14-inch.....	60.00	20.00	5.00
1½-inch.....	72.00	24.00	6.00
2-inch.....	84.00	28.00	7.00

GASOLINE

	Per month	Per week	Per day
All sizes.....	\$75.00	\$23.00	\$5.50

PILE—DROP

	Per month	Per week	Per day
Capacity:			
1,000 to 1,500-lb.....	\$15.00	\$5.00	\$1.50
2,000-lb.....	20.00	7.00	2.00
Cap for above.....	7.00	2.00	1.00
2,500-lb.....	25.00	8.00	2.00
Cap for above.....	7.00	2.00	1.00

STEAM

	Per month	Per week	Per day
No. 1—McKernan-Terry.....	\$50.00	\$20.00	\$5.00
No. 2—McKernan-Terry.....	70.00	28.00	7.00
No. 3—McKernan-Terry.....	75.00	30.00	7.50
No. 5—McKernan-Terry.....	85.00	34.00	8.50
No. 6—McKernan-Terry.....	115.00	46.00	11.50
No. 7—McKernan-Terry.....	125.00	50.00	12.50
No. 9B2—McKernan-Terry.....	204.00	81.00	20.25
No. 9B3—McKernan-Terry.....	204.00	81.00	20.25
No. 10B2—McKernan-Terry.....	270.00	108.00	27.00
No. 10B3—McKernan-Terry.....	270.00	108.00	27.00
No. 11B2—McKernan-Terry.....	320.00	128.00	32.00
No. 2—Vulcan.....	150.00	60.00	15.00
No. 1—Vulcan.....	204.00	81.00	20.25
No. 0—Vulcan.....	250.00	100.00	25.00
No. 00—Vulcan.....	350.00	140.00	35.00
No. 200—Vulcan Pile Extractor.....	85.00	34.00	8.50
No. 400—Vulcan Pile Extractor.....	140.00	56.00	14.00
No. 800—Vulcan Pile Extractor.....	240.00	96.00	24.00

Trade names are mentioned to indicate size. Hammers or extractors of manufacturers not mentioned shall be bound by the same rates as similar sizes of trade names mentioned.

(G) Table of rates—Continued

HEATERS

CONCRETE

	Per month	Per week	Per day
For 3/4S to 7S Mixer.....	\$25.00	\$8.00	\$2.50
For 7S to 21S Mixer.....	35.00	10.00	3.50

TANK CAR

Portable—On Two to Four Wheels

	Per month	Per week	Per day
2-car or 3-car capacity.....	\$210.00	\$75.00	\$20.00

HOISTS

GASOLINE—SINGLE DRUM

	Per month	Per week	Per day
5 h. p.....	\$35.00	\$12.00	\$3.00
12 h. p.....	55.00	18.00	4.50
15 to 20 h. p.....	60.00	20.00	5.00
25 h. p.....	75.00	25.00	6.50
32 to 40 h. p.....	95.00	32.00	8.00
50 h. p.....	120.00	40.00	10.00
60 h. p.....	140.00	47.00	12.00
70 h. p.....	160.00	53.00	13.00
80 h. p.....	180.00	60.00	15.00
100 h. p.....	220.00	73.00	18.00

GASOLINE—DOUBLE DRUM

	Per month	Per week	Per day
15 to 20 h. p.....	\$30.00	\$27.00	\$7.00
25 h. p.....	100.00	33.00	8.50
32 to 40 h. p.....	125.00	42.00	10.50
50 h. p.....	150.00	50.00	12.50
60 h. p.....	175.00	58.00	14.50
70 h. p.....	185.00	62.00	15.50
80 h. p.....	220.00	73.00	18.00
100 h. p.....	270.00	90.00	22.50

ELECTRIC MOTOR DRIVEN—SINGLE DRUM

	Per month	Per week	Per day
8 to 10 h. p.....	\$45.00	\$15.00	\$4.00
12 to 15 h. p.....	60.00	20.00	5.00
20 h. p.....	75.00	25.00	6.50
30 h. p.....	100.00	33.00	8.50
40 h. p.....	115.00	38.00	9.50
50 h. p.....	120.00	40.00	10.00
75 h. p.....	160.00	53.00	13.00
100 h. p.....	200.00	67.00	17.00

ELECTRIC MOTOR DRIVEN—DOUBLE DRUM

	Per month	Per week	Per day
8 to 10 h. p.....	\$53.00	\$12.00	\$3.00
12 to 15 h. p.....	72.00	24.00	6.00
20 h. p.....	90.00	30.00	7.50
30 h. p.....	120.00	40.00	10.00
40 h. p.....	135.00	45.00	11.25
50 h. p.....	150.00	50.00	12.50
75 h. p.....	190.00	63.00	15.75
100 h. p.....	240.00	80.00	20.00

The above electric hoist rates include grid resistor and drum type controller but do not include switch boxes and are based on normal range of line speeds.

STEAM—NO BOILERS

Single Drum

	Per month	Per week	Per day
4½ x 6.....	\$35.00	\$12.00	\$3.00
7 x 10.....	45.00	15.00	4.00
8½ x 10.....	65.00	22.00	5.50
9 x 12.....	75.00	25.00	6.50

Double Drum

	Per month	Per week	Per day
7 x 10.....	\$53.00	\$18.00	\$4.50
8½ x 10.....	65.00	22.00	5.50
9 x 12.....	75.00	25.00	6.50

(f) Table of rates—Continued
HOISTS—Continued
STEAM—NO BOILERS—Continued
Three Drum

	Per month	Per week	Per day
7 x 10.....	\$75.00	\$25.00	\$6.50
8½ x 10.....	95.00	32.00	8.00
9 x 12.....	125.00	42.00	10.50

STEAM—WITH BOILERS
Single Drum

4¾ x 8.....	\$60.00	\$20.00	\$5.00
7 x 10.....	100.00	33.00	8.50
8½ x 10.....	125.00	42.00	10.50
9 x 12.....	150.00	50.00	12.50

Double Drum

7 x 10.....	\$125.00	\$42.00	\$10.50
8½ x 10.....	150.00	50.00	12.50
9 x 12.....	175.00	58.00	15.00

Three Drum

7 x 10.....	\$150.00	\$50.00	\$12.50
8½ x 10.....	175.00	58.00	15.00
9 x 12.....	200.00	67.00	17.00

Air

1,000-lb. single drum.....	\$55.00	\$18.00	\$4.50
2,000-lb. single drum.....	65.00	22.00	5.50
2,000-lb. double drum.....	90.00	30.00	7.50

Air hoist rates do not include hose.

Chain

Capacity:	Per month	Per week	Per day
1-ton.....	\$15.00	\$5.00	\$1.50
2-ton.....	20.00	7.00	2.00
3-ton.....	25.00	8.50	2.00
5-ton.....	30.00	10.00	2.50
8-ton.....	50.00	17.00	4.70
10-ton.....	60.00	20.00	5.00

HOPPERS

Floor

Single Gate—Without Legs

	Per month	Per week	Per day
12 to 27 cubic feet.....	\$15.00	\$5.00	\$1.50
36 to 64 cubic feet.....	20.00	7.00	2.00

Single Gate—With Legs

14 to 27 cubic feet.....	\$18.00	\$6.00	\$1.50
36 to 64 cubic feet.....	24.00	8.00	2.00

Double Gate—Without Legs

14 to 27 cubic feet.....	\$18.00	\$6.00	\$1.50
36 to 64 cubic feet.....	24.00	8.00	2.00

Double Gate—With Legs

14 to 27 cubic feet.....	\$22.00	\$7.50	\$2.00
36 to 64 cubic feet.....	30.00	10.00	2.50

Tower

14 to 27 cubic feet.....	\$15.00	\$5.00	\$1.50
36 to 64 cubic feet.....	20.00	7.00	2.00

Truck Mixer—With Legs

Special, double gate, 2- or 4-yard.....	\$60.00	\$20.00	\$5.00
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(f) Table of rates—Continued
JACKS
Bridge

	Per month	Per week	Per day
15 ton.....	\$25.00	\$10.00	\$2.50
25 ton.....	35.00	13.00	3.50
35 ton.....	45.00	15.00	4.00
50 ton.....	60.00	20.00	5.00
75 ton.....	80.00	27.00	7.00
100 ton.....	100.00	33.00	8.50

Hydraulic

5 ton.....	\$4.00	\$1.25	\$0.50
8 ton.....	6.00	2.00	.70
12 ton.....	10.00	3.50	1.00
20 ton.....	15.00	5.00	1.50
50 ton.....	20.00	7.00	2.00

Journal

10 ton.....	\$10.00	\$3.50	\$1.00
15 ton.....	15.00	5.00	1.50
25 ton.....	20.00	7.00	2.00
35 ton.....	25.00	8.00	2.00
50 ton.....	30.00	10.00	2.50

Ratchet

10 ton.....	\$8.00	\$2.50	\$0.50
15 ton.....	10.00	3.00	1.00
20 ton.....	15.00	5.00	1.50

Screw

5 ton.....	\$1.25	\$0.50	\$0.15
10 ton.....	1.75	.50	.15
12 ton.....	3.00	1.00	.25
15 ton.....	3.75	1.25	.35
20 ton.....	4.00	1.50	.40

TRACK (SINGLE ACTING)

15 ton.....	\$15.00	\$5.00	\$1.50
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TRENCH (WITHOUT PIPE)

	Quantity	Per month	Per week	Per day
1¼ x 12.....	12	\$5.00	\$2.00	\$0.50
1½ x 18.....	12	7.00	2.50	.65
2 x 18.....	12	10.00	3.50	1.00

KETTLES

TAR AND ASPHALT HEATING

Oil—Burning

Capacity, gallons	Per month	Per week	Per day
30.....	\$19.00	\$6.00	\$1.50
60.....	22.00	7.50	2.00
110.....	23.00	8.00	2.00
165.....	26.00	8.50	2.50
210.....	30.00	10.00	2.50
300.....	42.50	14.00	3.50

Wood—Burning

30.....	\$15.00	\$5.00	\$1.50
60.....	20.00	6.50	2.00
110.....	22.00	7.50	2.00
165.....	24.00	8.00	2.00

LIGHTS—CARBIC

	Per month	Per week	Per day
No. 2 Carbic or equivalent.....	\$10.00	\$3.50	\$1.00

(f) Table of rates—Continued
LIGHTING PLANTS
Gasoline Engine Driven—AO or DO

	Per month	Per week	Per day
500 to 1,000 watts, inclusive.....	\$40.00	\$13.00	\$3.50
1,250 to 1,500 watts, inclusive.....	50.00	17.00	4.50
2,000 watts.....	60.00	20.00	5.50
5,000 watts (5 kw.).....	90.00	30.00	7.50
7,500 watts (7½ kw.).....	110.00	37.00	9.00
10,000 watts (10 kw.).....	150.00	50.00	12.50

LOADERS

FRONT END

Small rubber tired	Per month	Per week	Per day
½ cubic yard (tractor mounted).....	\$400.00	\$133.00	\$35.00
¾ cubic yard (tractor mounted).....	450.00	150.00	37.50
1 cubic yard (tractor mounted).....	500.00	170.00	42.50

WAGON—WITH STANDARD DISCHARGE CHUTE (NO
SCREENS OR ACCESSORIES)

Gasoline Engine Driven

1 to 2 cubic yards.....	\$350.00	\$115.00	\$30.00
3 to 4 cubic yards.....	450.00	150.00	37.50

MIXERS

CONCRETE—BUILDING

	Per month	Per week	Per day
3¼ S Low Charger.....	\$35.00	\$12.00	\$3.00
3¼ S Power Loader.....	47.00	15.50	4.00
5 S Low Charger.....	52.00	17.00	4.50
5 S Power Loader.....	65.00	21.00	5.50
7 S Low Charger.....	71.00	23.50	6.00
7 S Power Loader.....	85.00	28.00	7.00
10 S Low Charger.....	90.00	30.00	7.50
10 S Power Loader.....	120.00	40.00	10.00
14 S Power Loader.....	155.00	52.00	13.50
28 S Batch Hopper.....	210.00	70.00	17.50

Rates include measuring tank but do not include batchmeter or pump.

Add for Batchmeter.....	\$5.00	\$5.00	\$3.00
Add for Pump.....	4.00	3.00	2.00

MORTAR—PLASTER

	Per month	Per week	Per day
One bag.....	\$60.00	\$20.00	\$5.00
Two bags.....	80.00	26.00	6.50

PAVING

Gasoline or Diesel Drive—Full Crawler Traction

	Per month	Per week	Per day
21E.....	\$300.00	\$100.00	\$25.00
27E.....	750.00	250.00	62.00
34E dual or single drum.....	1,100.00	365.00	91.50
27E (old style).....	625.00	175.00	44.00

TRUCK MIXERS OR AGITATORS

STANDARD MAKES—SEPARATE GASOLINE ENGINE
DRIVE NO TRUCKS INCLUDED—LESSEE DOES OWN
MOUNTING

	Per month	Per week	Per day
1½ cubic yard.....	\$200.00	\$67.00	\$16.50
2½ cubic yard.....	250.00	83.00	20.50
3½ cubic yard.....	335.00	112.00	28.00
4 cubic yard.....	350.00	127.00	31.50
6 cubic yard.....	475.00	155.00	39.00

(f) Table of rates—Continued

MOTORS—ELECTRIC

CONSTANT SPEED—3 PHASE WITH STARTER—SQUIRREL CAGE

	Per month	Per week	Per day
1 to 5 h. p., inclusive	\$10.00	\$3.50	\$1.00
7½ h. p.	15.00	5.00	1.50
10 to 15 h. p., inclusive	20.00	7.00	2.00
20 to 25 h. p., inclusive	40.00	13.50	3.50
30 to 40 h. p., inclusive	50.00	17.00	4.50
50 h. p.	60.00	20.00	5.00
60 to 75 h. p., inclusive	75.00	25.00	6.50
Over 75 h. p., per h. p.	1.00	.35	.10

VARIABLE SPEED (SLIP RING)—3 PHASE WITH GRIDS AND CONTROLLER

10 to 15 H. P., incl.	\$25.00	\$8.00	\$2.00
20 to 25 H. P., incl.	50.00	16.50	4.00
30 to 40 H. P., incl.	65.00	22.00	5.50
50 H. P.	75.00	25.00	6.50
60 to 75 H. P., incl.	95.00	32.00	8.00
Over 75 H. P., per H. P.	1.25	.40	.10

Switches not included.

PLUNGER—ROAD
GASOLINE ENGINE DRIVEN

	Per month	Per week	Per day
3 x 5 Duplex	\$45.00	\$12.50	\$3.50
20 H. P. Triplex	100.00	33.00	8.00
35-40 H. P. Triplex	125.00	41.00	13.50
55 H. P. Triplex	175.00	58.00	15.00

Hose not included.

POWER CONTROL UNITS

	Per month	Per week	Per day
For any size tractor, single drum	\$50.00	\$17.00	\$4.50
For any size tractor, double drum	75.00	25.00	6.50
For any size tractor, four drum	160.00	53.00	13.00

PUMPS

CAISSON

Steam

Suction	Discharge	Per month	Per week	Per day
3-inch	2-inch	\$35.00	\$12.00	\$3.00
4-inch	3-inch	45.00	15.00	4.00
5-inch	4-inch	60.00	20.00	5.00
6-inch	5-inch	75.00	25.00	6.50
7-inch	6-inch	100.00	33.00	8.50

Sump

	Per month	Per week	Per day
Air	\$70.00	\$23.00	\$5.00

No Hose

Hand Power Diaphragm	\$8.00	\$5.00	\$1.00
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GASOLINE ENGINE DRIVEN

Diaphragm

3-inch Force Single	\$30.00	\$15.00	\$3.00
4-inch Force Single	35.00	20.00	3.00
3-inch Open Top Single	30.00	10.00	3.00
4-inch Open Top Single	40.00	15.00	3.00
3-inch Open Top Double	50.00	20.00	5.00
4-inch Open Top Double	65.00	25.00	5.00

(f) Table of rates—Continued

PUMPS—Continued

CENTRIFUGAL

Self-priming—Gasoline Engine Driven

	Per month	Per week	Per day
1½-inch 3 M.	\$35.00	\$12.00	\$3.00
2-inch 7 or 10 M.	40.00	13.00	3.00
3-inch 15 or 20 M.	50.00	17.00	4.50
4-inch 30 or 40 M.	80.00	27.00	7.00
6-inch 75 or 90 M.	125.00	42.00	10.50
8-inch 125 M.	135.00	43.00	10.50

Single Stage—Standard not Self-Priming for Belt Drive or Direct Connection—No Power

Discharge openings:	Per month	Per week	Per day
Up to 1-inch, incl.	\$15.00	\$5.00	\$1.00
1½-inch to 2-inch, incl.	25.00	8.50	1.75
2½-inch to 3-inch, incl.	35.00	12.50	2.50
3½-inch to 4-inch, incl.	50.00	17.00	3.00
6-inch to 6-inch, incl.	65.00	23.00	4.50

For Multi Stage Pumps (no power) the rates above the single stage rates shall not be increased by more than the following:

	Percent
For 2 stage	50
For 3 stage	75
For 4 stage	100

For three months or more rental no additional charge shall be made for mounting engine on pump.

WELLPOINT SYSTEM

	1st month	2d month	3d month	4th month	5th month
8-inch wellpoint pump	\$220.00	\$450.00	\$700.00	\$750.00	\$850.00
1½-inch wellpoint	4.00	7.00	8.40	9.60	10.40
6-inch header	.40	.65	.85	.95	1.05
6-inch discharge	.14	.25	.35	.40	.44
8-inch header	.60	.75	.90	1.00	1.10
8-inch discharge	.40	.45	.50	.55	.60
Suction hose jet pump	.60	1.00	1.20	1.60	1.60
Jet pump	100.00	350.00	450.00	640.00	800.00
Jet hose	.50	.40	.60	.80	1.00

	6th month	7th month	8th month	9th month
8-inch wellpoint pump	\$950.00	\$1,050.00	\$1,100.00	\$1,200.00
1½-inch wellpoint	11.50	12.00	12.80	13.00
6-inch header	1.10	1.15	1.20	1.25
6-inch discharge	.48	.52	.56	.60
8-inch header	1.20	1.25	1.40	1.50
8-inch discharge	.65	.70	.75	.80
Suction hose jet pump	2.20	2.70	2.80	3.10
Jet pump	650.00	1,120.00	1,250.00	1,440.00
Jet hose	1.20	1.40	1.60	1.80

ROAD ROLLERS

PORTABLE

Gasoline Engine Driven—On Two Pneumatic Tires

	Per month	Per week	Per day
3½ tons	\$103.00	\$30.00	\$12.00

TANDUM

Gasoline Engine—(Multiple Cylinder)

5 tons	\$200.00	\$77.00	\$17.00
8 tons	220.00	83.00	21.00

THREE WHEEL

Gasoline Engine Driven—(Multiple Cylinder)

6 tons	\$300.00	\$97.00	\$17.00
7 tons	315.00	92.00	21.00
8 tons	370.00	93.00	22.50
10 tons	585.00	123.00	32.00
12 tons	625.00	142.00	35.00

For Road Rollers having single cylinder engine the maximum rental rates shall be 75% of the above maximum rates for the nearest comparable machine.

(f) Table of rates—Continued

PUMPS—Continued

JETTING

Two-stage, split case, volute centrifugal pump, 3-inch discharge, 4-inch suction. Direct connected to 6 cylinder 75 H. P. gasoline engine. About 450 gallons per minute at 175 lbs. pressure. Complete with 20 feet of 4-inch suction hose and foot valve and 19 feet of 3-inch high pressure discharge hose to be used between pipe line and pump. Mounted on steel base.

Size	Weight, pounds	Per month	Per week	Per day
Approximately as above.	4,000	\$300.00	\$123.00	\$32.00

PUMPCRETE

	Per month	Per week	Per day
Model 100, single	\$405.00	\$153.00	\$39.00
Model 100, double	830.00	293.00	72.00
Model 200, single	620.00	207.00	52.00
Model 200, double	1,005.00	353.00	90.00

Including up to a maximum of 400 ft. of 6" pipe.

Additional pipe per ft.	\$2.00	\$1.00	\$.50
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ROLLERS

SHEETPIECE-TAMPING—ANY NUMBER OF FEET

	Per month	Per week	Per day
Single drum	\$85.00	\$22.00	\$5.50
Double drum	90.00	20.00	7.50
Triple drum	175.00	53.00	15.00
Rollers rubber tired, tamping	100.00	33.00	8.50

ROOTERS

	Per month	Per week	Per day
Extra heavy (3 teeth) about 13-150 with winch	\$175.00	\$57.00	\$14.00
Heavy 3 or 5 teeth about 9,000 with winch	150.00	50.00	12.50
Medium 3 or 5 teeth about 6,000	100.00	33.00	8.00
Light 3 or 5 teeth	50.00	17.00	4.50

SAND BLAST OUTFITS

	Per month	Per week	Per day
Tank and 50 feet of hose, nipples and one head without air or can supply	\$50.00	\$17.00	\$4.50

(f) Table of rates—Continued

SAWS
ELECTRIC—HAND

	Per month	Per week	Per day
4-inch to 6-inch blade.....	\$25.00	\$8.00	\$2.00
8-inch blade.....	30.00	10.00	2.50
10-inch blade.....	40.00	13.00	3.50
12-inch blade.....	60.00	17.00	4.50

ELECTRIC—TILTING TABLE

	Per month	Per week	Per day
10-inch blade.....	\$45.00	\$15.00	\$3.50
16-inch blade.....	65.00	22.00	5.50

ELECTRIC—OVERHEAD

Maximum saw diameter	Size	Per month	Per week	Per day
12-inch.....	1/4 h. p.	\$30.00	\$10.00	\$2.50
14-inch.....	1 h. p.	35.00	12.00	3.00
14-inch.....	1 1/2 h. p.	40.00	13.00	3.50
16-inch.....	2 h. p.	45.00	15.00	4.00
16-inch.....	3 h. p.	50.00	17.00	4.50
16-inch.....	5 h. p.	60.00	20.00	5.00
16-inch.....	7 1/2 h. p.	75.00	25.00	6.50

GASOLINE—TILTING TABLE

	Per month	Per week	Per day
10-inch blade.....	\$45.00	\$15.00	\$3.50
16-inch blade.....	65.00	22.00	5.50

SCALES—WHEELBARROW

Number of beams	Number of aggregates	Per month	Per week	Per day
3.....	2	\$25.00	\$8.00	\$2.00
4.....	3	35.00	12.00	3.00
5.....	4	50.00	17.00	4.50

SCARIFIERS

	Per month	Per week	Per day
Medium.....	\$30.00	\$10.00	\$2.50
Heavy.....	35.00	12.00	3.00

SCRAPERS

CABLE OR HYDRAULIC CONTROLLED

Power Controlled Unit or Hydraulic Pump Included

Cubic yards struck heaped	Per month	Per week	Per day
42-59.....	\$1,800.00	\$600.00	\$150.00
31-42.....	1,650.00	550.00	137.50
23-33.....	1,100.00	370.00	92.00
17 1/2-25.....	855.00	285.00	72.50
15-19.....	650.00	215.00	54.00
12-15.....	525.00	175.00	44.00
8-12.....	425.00	142.00	35.50
6 1/2-8.....	325.00	110.00	27.50
4-6.....	250.00	83.00	21.00
3 1/2-4.....	220.00	73.00	18.00

(f) Table of rates—Continued

SHEARS
BAR CUTTING

	Per month	Per week	Per day
3/4-inch round.....	\$5.00	\$2.00	\$0.50
1-inch round.....	10.00	3.50	1.00

The above rental rates include the shears being delivered with good cutting knives.

SHEAVES

	Per month	Per week	Per day
Bottom swivel.....	\$10.00	\$3.50	\$1.00
Top tower sets.....	10.00	3.50	1.00

Sheaves do not include cathead.
Bottom sheaves do not include bolts for fastening to leg of tower.

SHORES

	Per month	Per week	Per day
Adjustable.....	\$0.35	\$0.10	\$0.05

SHOVELS

WITH FACTORY STANDARD LENGTH BOOM
CRAWLER TYPE—GASOLINE ENGINE DRIVEN

	Per month	Per week	Per day
3/4 yard.....	\$400.00	\$133.00	\$33.00
1/2 yard.....	450.00	150.00	37.50
5/8 yard.....	475.00	158.00	39.50
3/4 yard.....	550.00	183.00	46.00
1 yard.....	650.00	217.00	54.00
1 1/4 yards.....	800.00	267.00	66.50
1 1/2 yards.....	1,000.00	333.00	83.00
1 3/4 yards.....	1,250.00	418.00	105.00
2 yards.....	1,500.00	500.00	125.00

CRAWLER TYPE—DIESEL ENGINE DRIVEN

	Per month	Per week	Per day
3/4 yard.....	\$500.00	\$167.00	\$42.00
1/2 yard.....	525.00	175.00	44.00
5/8 yard.....	550.00	183.00	46.00
3/4 yard.....	650.00	217.00	54.00
1 yard.....	800.00	267.00	66.50
1 1/4 yards.....	950.00	317.00	80.00
1 1/2 yards.....	1,100.00	367.00	92.00
1 3/4 yards.....	1,600.00	533.00	133.00
2 yards.....	1,800.00	600.00	150.00

HAND

	Per 1/2 doz.	Per 1/2 doz.	Per 1/2 doz.
No. 2 long handle (round or square points).....	\$7.50	\$2.50	\$0.65
No. 2 short handle (round or square points).....	7.50	2.50	.65
No. 4 long handle (round or square points).....	7.50	2.50	.65
No. 5 scoops.....	7.50	2.50	.65

SPREADERS—ASPHALT OR STONE

STEEL WHEELS

Size	Per month	Per week	Per day
8 foot.....	\$40.00	\$13.50	\$3.50
10 foot.....	60.00	20.00	5.00
12 foot.....	70.00	23.00	6.00

SPREADERS—CHIP

STEEL WHEELS

	Per month	Per week	Per day
10 foot.....	\$65.00	\$21.00	\$5.00
12 foot.....	75.00	25.00	6.50

(f) Table of rates—Continued

SURFACERS—ELECTRIC
WALL

	Per month	Per week	Per day
Model A Berg, or equal.....	\$45.00	\$15.00	\$4.00

SURFACERS—HIGHWAY

	Per month	Per week	Per day
With gasoline engine—Carborundum and cutting stone to be furnished as an extra.....	\$85.00	\$28.00	\$7.00

TOWER EQUIPMENT—WOOD

BUCKETS—ROLLER HOIST OR EQUAL

	Per month	Per week	Per day
7-8 cubic feet.....	\$12.00	\$4.00	\$1.00
12-18 cubic feet.....	20.00	7.00	2.00
21-36 cubic feet.....	25.00	8.00	2.00

HOPPERS—VERTICAL BACK

	Per month	Per week	Per day
14-17 cubic feet.....	\$15.00	\$5.00	\$1.50
36-54 cubic feet.....	20.00	7.00	2.00

Top and bottom switches, when necessary, are included in above hopper and bucket rental prices.

SHEAVES—TOP TOWER, SET OF TWO

	Per month	Per week	Per day
12-inch to 16-inch.....	\$10.00	\$3.00	\$1.00

BOTTOM SWIVEL

	Per month	Per week	Per day
12-inch to 16-inch.....	\$10.00	\$3.00	\$1.00

Top tower sheaves do not include cathead.

TRACTORS

(No Accessories)

CRAWLER—GASOLINE ENGINE

Horsepower	Per month	Per week	Per day
91-94.....	\$500.00	\$167.00	\$42.00
70-80.....	425.00	142.00	35.00
54-62.....	390.00	130.00	32.50
45-49.....	315.00	105.00	26.00
35-39.....	265.00	88.00	22.00
25-32.....	200.00	67.00	16.50

CRAWLER—DIESEL ENGINE

	Per month	Per week	Per day
91-135.....	\$775.00	\$258.00	\$64.50
70-87.....	630.00	210.00	53.00
54-62.....	475.00	158.00	39.50
35-39.....	325.00	108.00	27.00
25-31.....	265.00	88.00	22.00

(f) Table of rates—Continued

TRACTOR

2 WHEELED RUBBER TIED WITH SCRAPER

Tractor	Scraper struck heaped	Per month	Per week	Per day
	<i>Cu. yd.</i>			
90 horsepower.....	8-11	\$1,100.00	\$367.00	\$92.00
150 horsepower.....	12-15	1,270.00	423.00	106.00
140 horsepower.....	15-19	2,000.00	667.00	168.00
200 horsepower.....	15-19	2,150.00	717.00	179.00
200 horsepower.....	18-23	2,370.00	789.00	197.00
190 horsepower.....	23-30	2,530.00	850.00	215.00

2 WHEEL RUBBER TIED WITH FORCED EJECTION TRAILER WAGON

Tractor horsepower	Wagon capacity struck heaped	Per month	Per week	Per day
90.....	9.5-12	\$1,210.00	\$403.00	\$101.00
140.....	21-30	2,350.00	783.00	193.00
190.....	29-35	2,910.00	970.00	242.00

TRENCHING MACHINES

WHEEL TYPE

Width of cut	Depth of cut	Per month	Per week	Per day
	<i>Feet</i>			
14 inches.....	5½	\$360.00	\$120.00	\$30.00
22 inches.....	5½	490.00	164.00	41.00
26 inches light duty.....	5½	520.00	177.00	50.00
26 inches heavy duty.....	5½	700.00	234.00	59.00
24 inches.....	6½	630.00	210.00	53.00
30 inches.....	6½	650.00	217.00	55.00
15 to 30 inches.....	6½	890.00	297.00	75.00
15 to 33 inches.....	8½	1,000.00	335.00	84.00
22 to 40 inches.....	8½	1,200.00	400.00	100.00
24 to 42 inches.....	10	2,000.00	657.00	167.00

LADDER TYPE

		Per month	Per week	Per day
24 inches.....	7½	\$850.00	\$217.00	\$55.00
16 to 32 inches.....	11	650.00	227.00	58.00
16 to 42 inches.....	12½	890.00	297.00	75.00
24 to 48 inches.....	17	950.00	317.00	80.00
24 to 41 inches heavy duty.....	17	1,450.00	484.00	121.00
24 to 72 inches.....	17	1,600.00	534.00	134.00

Above rates include one set of cutting teeth and buckets. Any replacement teeth or buckets to be furnished by lessee at own expense.

VIBRATORS

GASOLINE ENGINE DRIVEN—FLEXIBLE SHAFT DRIVE

	Per month	Per week	Per day
1 H. P., 18-foot shafting.....	\$40.00	\$13.00	\$3.50
2 H. P., 28-foot shafting.....	50.00	17.00	4.50
3 H. P., 28-foot shafting.....	60.00	20.00	5.00
5 H. P., 28-foot shafting.....	80.00	27.00	7.00
Vibrator complete for finishing machine.....	275.00	92.00	23.00

All above gasoline driven units include vibrator heads but no accessories.

Equivalent size hydraulic vibrators subject to the same maximum rental rate as the above gasoline vibrators.

(f) Table of rates—Continued

WAGONS

CRAWLER—DIRECT HITCH—BOTTOM DUMP

	Per month	Per week	Per day
5 to 6 cu. yd.....	\$175.00	\$57.00	\$14.00
7 to 8 cu. yd.....	200.00	67.00	17.00
9 to 10 cu. yd.....	230.00	77.00	22.00
10 to 12 cu. yd.....	275.00	92.00	23.00
13 to 14 cu. yd.....	300.00	100.00	25.00
18 cu. yd.....	350.00	127.00	32.00

CRAWLER—DIRECT HITCH—SIDE DUMP

	Per month	Per week	Per day
10 to 11 cu. yd.....	\$375.00	\$125.00	\$31.00
13 to 14 cu. yd.....	470.00	157.00	40.00
16 cu. yd.....	520.00	177.00	45.00

CRAWLER—DIRECT HITCH—HYDRAULIC DUMP

	Per month	Per week	Per day
5 to 8 cu. yd.....	\$200.00	\$67.00	\$17.00
10 cu. yd.....	230.00	77.00	22.00
16 cu. yd.....	375.00	125.00	31.00

DUMPSTERS

Pneumatic Tires

	Per month	Per week	Per day
4 cu. yd.....	\$375.00	\$125.00	\$31.00
6 cu. yd.....	425.00	142.00	35.00

SELF-POWERED TRAILER

Bottom Dump

	Per month	Per week	Per day
9 cu. yds. gasoline engine.....	\$300.00	\$100.00	\$25.00
13 cu. yds. gasoline engine.....	1,150.00	383.00	98.00
18 cu. yds. gasoline engine.....	1,750.00	583.00	148.00
9 cu. yds. diesel engine.....	1,020.00	340.00	85.00
13 cu. yds. diesel engine.....	1,220.00	406.00	102.00
18 cu. yds. diesel engine.....	1,650.00	550.00	142.00

WELDING MACHINES

GASOLINE ENGINE DRIVEN—WHEELS OR SERIES FOR ALL MACHINES

	Per month	Per week	Per day
200 amp.....	\$70.00	\$24.00	\$6.00
300 amp.....	90.00	30.00	8.00
400 amp.....	100.00	33.00	9.00
600 amp.....	160.00	53.00	14.00

ELECTRIC MOTOR DRIVEN—WHEELS

	Per month	Per week	Per day
200 amp.....	\$33.00	\$11.00	\$3.00
300 amp.....	45.00	15.00	4.00
400 amp.....	55.00	18.00	4.50
600 amp.....	70.00	23.00	6.00

DIESEL ENGINE DRIVEN—WHEELS

	Per month	Per week	Per day
300 amp.....	\$155.00	\$52.00	\$13.00
400 amp.....	185.00	62.00	15.00

(Helmets included—no other accessories.)

(f) Table of rates—Continued

WHEELBARROWS—ALL SIZE TRAYS

	Per month	Per week	Per day
Steel wheel.....	\$3.00	\$1.00	\$0.25
Rubber tired.....	5.00	2.00	.50

WINCHES—TOWING

	Per month	Per week	Per day
For 35 to 50 h. p. tractor.....	\$30.00	\$27.00	\$7.00
For 24 to 32 h. p. tractor.....	50.00	30.00	7.50
For 10 to 27 h. p. tractor.....	100.00	57.00	14.00
For 61 to 135 h. p. tractor.....	150.00	83.00	18.00

(g) Maximum rental rates in the Table of Rates set forth in paragraph (f) of this Appendix, except as otherwise provided therein, do not include charges for operator, fuel, and maintenance on the job.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[P. R. Doc. 42-3802; Filed, April 23, 1942; 3:59 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND MIXTURES

AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 118¹—COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1400.101 (d) is amended and a new § 1400.117 is added, as set forth below.

§ 1400.101 *Maximum prices for cotton products.*

(d) The maximum prices established herein for any cotton product may be increased by 5 cents per pound of cotton contained in the cotton product after weaving and before any finishing or fabrication.

§ 1400.117 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1400.-

¹ 17 F.R. 3026.

101 (d) and 1400.117) shall become effective May 4, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3700; Filed, April 28, 1942;
3:44 p. m.]

PART 1405—FERRO-ALLOYS

MAXIMUM PRICE REGULATION NO. 138— STANDARD FERROMANGANESE

In the judgment of the Price Administrator the prices of standard ferromanganese have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of standard ferromanganese prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 138 is hereby issued.

AUTHORITY: §§ 1405.1 to 1405.11, inclusive, issued pursuant to Pub. Law 421, 77th Cong.

§ 1405.1 *Maximum prices for standard ferromanganese.* On and after May 1, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver standard ferromanganese, and no person shall buy or receive standard ferromanganese, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1405.10; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of standard ferromanganese to a purchaser if prior to May 1, 1942, such standard ferromanganese had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1405.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1405.10) may be charged, demanded, paid or offered.

§ 1405.3 *Maximum prices for the conversion of manganese ore into standard ferromanganese.* (a) On or before May

15, 1942, every person, herein referred to as the converter, who had a contract on May 1, 1942, with another person who agrees to furnish the converter with manganese ore or authorizes the converter to purchase ore for his account, under which the converter agrees, for a stated fee, to convert such ore, or ore of its equivalent grade, into standard ferromanganese, shall submit to the Office of Price Administration, Washington, D. C. (1) a certified copy of such contract and (2) a sworn statement setting forth the amount of such fee and any other charges which were, or would have been made, for the conversion of such ore into standard ferromanganese on May 1, 1942, in accordance with the terms of such contract.

(b) On and after May 1, 1942, the fee and other charges made by a converter for the conversion of manganese ore into standard ferromanganese under any contract required to be submitted to the Office of Price Administration under paragraph (a) of this section shall not exceed the fee and other charges which were, or would have been made, on April 28, 1942.

(c) Any person, herein referred to as the converter, who, after May 1, 1942, enters into a contract of the same nature as the contracts described in paragraph (a) of this section, shall submit a certified copy of such contract to the Office of Price Administration, Washington, D. C. No such contract shall become effective until the Office of Price Administration has approved the fee and other charges to be made thereunder by the converter for the conversion of manganese ore into standard ferromanganese.

§ 1405.4 *Conditional agreements.* No seller of standard ferromanganese shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by Appendix A (§ 1405.10), in the event that this Maximum Price Regulation No. 138 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this Section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1405.5 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 138 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, standard ferromanganese, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1405.6 *Records and reports.* (a) Every person making a purchase or sale

of standard ferromanganese or or after May 1, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such purchase or sale showing (1) the date thereof, (2) the name and address of the buyer and the seller, (3) the quantity of each kind or grade purchased or sold, (4) the date of delivery of each shipment, and (5) the price paid or received.

(b) Every person delivering or receiving standard ferromanganese under a contract required to be submitted to the Office of Price Administration under § 1405.4 (a) or (c) shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such delivery or receipt showing (1) the date thereof, (2) the name and address of the other party to the contract, (3) the quantity of each kind or grade delivered or received, (4) the amounts of the fees and other charges paid or received, and (5) the dates of such payments and receipts.

(c) Persons affected by this Maximum Price Regulation No. 138 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1405.7 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 138 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 138 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1405.8 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 138 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1405.9 *Definitions.* (a) When used in this Maximum Price Regulation No. 138, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of the political subdivisions, or any agency of any of the foregoing.

(2) "Standard ferromanganese" shall be deemed to mean that grade of high carbon ferromanganese having the following specifications, the balance being iron:

Manganese.....	75-85%.
Silicon.....	1.25% Maximum.
Phosphorus.....	0.50% Maximum.
Carbon.....	7.50% Maximum.
Sulphur.....	0.05% Maximum.

§ 1405.10 *Appendix A: Maximum prices for standard ferromanganese—(a) Kind or grade.*

	Maximum price per gross ton
Containing 78-82% manganese.....	\$135.00.
Containing less than 78% manganese but not less than 75%.	\$135.00 less \$1.70 for each 1% of manganese below 78%.
Containing more than 82% manganese but not more than 85%.	\$135.00 plus \$1.70 for each 1% of manganese in excess of 82%.

(b) The maximum prices set forth above are for bulk shipments in carload lots, f. o. b. Atlantic Seaboard, except that for Tennessee Products Corporation the maximum prices are f. o. b. Rockdale or Rockwood, Tennessee, whichever is the shipping point, and for Sloss-Sheffield Steel and Iron Company f. o. b. Birmingham, Alabama.

(c) For shipments other than bulk shipments in carload lots, the following maximum premiums may be added to the maximum prices set forth above:

(1) Packed carload lots.....	\$6.00 per gross ton.
(2) Gross ton lots packed.....	\$10.00 per gross ton.
(3) Less than gross ton lots.	
(1) Packed down to 200 pounds.....	\$13.50 per gross ton.
(11) Less than 200 pounds.....	\$18.00 per gross ton.
(4) Crushed to specified mesh.....	Normal premiums prevailing on April 23, 1942.

(d) The maximum prices set forth above shall not be increased by any charges for the extension of credit and shall be reduced by $\frac{1}{2}$ of 1% for payment within 10 days of delivery.

§ 1405.11 *Effective date.* This Maximum Price Regulation No. 138 (§§ 1405.1 to 1405.11, inclusive) shall become effective May 1, 1942.

Issued this 28th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3806; Filed, April 28, 1942; 4:03 p. m.]

**TITLE 33—NAVIGATION AND
NAVIGABLE WATERS**

**Chapter I—Coast Guard, Department of
the Navy**

**PART 9—GENERAL LICENSES FOR MOVEMENTS
OF VESSELS WITHIN, OR DEPARTURE FROM,
TERRITORIAL WATERS**

By virtue of the authority vested in me by § 6.6 (d) of this Chapter (6 F.R. 5222), Part 9 thereof (6 F.R. 5342), as amended, is hereby further amended (1) by changing the period at the end of paragraph (b) of § 9.1¹ to a semi-colon and adding thereafter the following:

§ 9.1 *General License No. 1*

(b) * * * the waters of the State of Michigan commonly known as the Detroit River, Lake Saint Clair and the Saint Clair River, the River Rouge and its Short Cut Canal and Old Channel, the Saint Marys River, the Saint Marys Falls Canal and connecting waterways, between Big Point and Detour; and all harbors of the Islands of Hawaii and Kauai, Territory of Hawaii;

and (2) by renumbering paragraph (d) as § 9.2, *Revocation of and exclusion from General License, etc.*, and the present § 9.2 as § 9.3.

R. R. WAESCHE,
Commandant, U. S. Coast Guard.

Approved:

FRANK KNOX,
Secretary of the Navy.

APRIL 27, 1942.

[F. R. Doc. 42-3779; Filed, April 28, 1942;
11:25 a. m.]

¹ 6 F.R. 5342; 7 F.R. 43, 1721, 2176, 2477.

**TITLE 49—TRANSPORTATION AND
RAILROADS**

**Chapter II—Office of Defense
Transportation**

[Amendment No. 1 to General Order
O. D. T. No. 1]

**PART 500—CONSERVATION OF RAIL
EQUIPMENT**

MERCHANDISE TRAFFIC

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941,² General Order O.D.T. No. 1,³ Chapter II of this title, Part 500, §§ 500.2, 500.3, 500.4 and 500.7, inclusive, are hereby amended to read as follows:

§ 500.2 *Loading of cars.* No carrier by railroad, on and after the effective date hereof, shall accept for shipment or forwarding, load or forward from the city or town at which such car is originated, any railway closed car containing less than 10 net tons of merchandise except:

(a) A car loaded to its full legal or visible cubic capacity;

(b) Where there is no other common carrier or common carriers, consistently with the provisions hereof, capable of transporting the shipments to be contained within the car;

(c) A car which, because of construction or design, cannot be interchanged with other carriers, under M.C.B. rules;

(d) A car principally containing airplanes, marine equipment, armament, artillery, munitions, parts thereof, tools and machinery therefor, or materials used in the production thereof, consigned

² 6 F.R. 6725.

³ 7 F.R. 3046.

to any military, naval or lend-lease agency of the United States, or to any person directly or indirectly engaged in producing, processing or assembling any thereof, for any such agency;

(e) A car containing perishables, or explosives and dangerous articles, as the latter are defined in 18 U. S. C. 383;

(f) A pick-up or concentration car operated between points which, from previous experience or actual present knowledge, it is reasonable to believe will arrive at destination with a net load of at least 10 tons;

(g) When authorized by special or general permit of this Office.

§ 500.2a *Use of cars within municipalities.* No carrier by railroad, on and after the effective date hereof, shall accept for shipment or forwarding, load or forward between points in the same municipality or between contiguous municipalities or within a zone adjacent to, and commercially a part of any such municipality or municipalities, any closed freight car except:

(a) Where necessary to relieve carrier's freight house facilities because of inability to obtain transportation of the shipment or shipments by motor vehicle;

(b) Where motor vehicles are not available with which to move the shipment;

(c) Where the carrier's freight house or transfer facilities, or the consignor's or consignee's facilities are so located or constructed as to make it impracticable to transport the shipment by motor vehicle.

§ 500.3 *Holding of shipments.* No carrier by railroad shall hold, carry over, store, or warehouse any shipment of merchandise at any one station, except the final destination of the shipment, for longer than 36 hours; or at two or more such stations for an aggregate period of more than 48 hours; except in cases where the carrier does not normally render daily service, it may hold any shipment until the next regular scheduled service, or except where there is no other common carrier or carriers capable of transporting the shipment consistently with the provisions hereof.

§ 500.4 *Routing and records.* Where necessary to further the purposes hereof, every carrier by railroad is authorized and directed to depart from or disregard the routing specified in the billing of any merchandise shipment: *Provided*, Every such carrier shall keep and maintain adequate records of every shipment so diverted.

§ 500.7 *Records and reports.* Each Carrier by railroad shall record for convenient inspection and report within thirty (30) days after the close of each calendar month to the undersigned;

(a) The number of freight cars loaded or forwarded with LCL freight over each of its merchandise car lines or routes, and the number of tons loaded therein;

(b) A detailed statement of the origin, destination and weight of all cars handled during such calendar month loaded or

forwarded with less than 10 tons of less-than-carload freight, with an indication of the particular section or paragraph of this General Order authorizing such movement;

(c) A statement of all intra-terminal cars handled during the preceding calendar month under paragraphs (a), (b), or (c) of § 500.2a hereof.

Except as amended hereby, General Order O.D.T. No 1 shall remain in full force and effect.

Issued April 30, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-3837; Filed, April 29, 1942;
10:03 a. m.]

Notices

TREASURY DEPARTMENT.

Office of the Secretary.

MEMORANDUM TO THE ALIEN PROPERTY CUSTODIAN—TRANSFER OF STOCK OF GENERAL ANILINE & FILM CORPORATION

APRIL 24, 1942.

In accordance with the request and direction of the Alien Property Custodian, dated April 24, 1942, made pursuant to section 5 (b) of the Trading with the Enemy Act of October 6, 1917, as amended by section 301 of the First War Powers Act, December 18, 1941, and pursuant to Executive Order No. 9095¹ and Vesting Order No. 5² issued pursuant thereto, I am transmitting to the Alien Property Custodian herewith the stock certificates representing 2,050,000 shares of Common B stock and 459,448 shares of Common A stock of General Aniline & Film Corporation, which shares were vested in me by virtue of an Order, dated February 16, 1942,³ issued pursuant to section 5 (b) of the Trading with the Enemy Act of 1917, as amended. All of the stock certificates are in the name of the Secretary of the Treasury of the United States of America and have been duly and properly assigned to the Alien Property Custodian.

The 2,050,000 shares of the Common B stock of General Aniline & Film Corporation are evidenced by the following stock certificates:

BB17 for 100,000 shares.
BB18 for 100,000 shares.
BB19 for 500,000 shares.
BB20 for 400,000 shares.
BB21 for 200,000 shares.
BB22 for 650,000 shares.
BB23 for 100,000 shares.

The 459,448 shares of Common A stock of General Aniline & Film Corporation

are evidenced by the following stock certificates:

Certificate No.:	Number of shares
JC/A1-----	100
JC/AO4-----	1,500
JC/AO5-----	500
JC/AO6-----	1,500
JC/AO7-----	500
JC/AO8-----	20,000
JC/AO9-----	10,000
JC/AO10-----	10,000
JC/AO11-----	10,000
JC/AO12-----	5,000
JC/AO13-----	5,000
JC/AO14-----	5,000
JC/AO15-----	500
JC/AO16-----	500
JC/AO17-----	500
JC/AO18-----	132
JC/AO19-----	300,000
JC/AO20-----	50
JC/AO21-----	90
JC/AO22-----	726
JC/AO23-----	500
JC/AO24-----	10,000
JC/AO25-----	10,000
JC/AO26-----	10,000
JC/AO27-----	10,000
JC/AO28-----	10,000
JC/AO29-----	5,000
JC/AO30-----	5,000
JC/AO31-----	5,000
JC/AO32-----	5,000
JC/AO33-----	5,000
JC/AO34-----	5,000
JC/AO35-----	5,000
JC/AO36-----	1,000
JC/AO37-----	1,000
JC/AO38-----	350

I have also transferred and released to the Alien Property Custodian all supervision, management and control over General Aniline & Film Corporation.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

I, Leo T. Crowley, Alien Property Custodian, do hereby acknowledge receipt of the aforesaid stock certificates for 2,050,000 shares of Common B and 459,448 shares of Common A stock of General Aniline & Film Corporation.

I further acknowledge the release by the Secretary of the Treasury of all supervision, management and control over General Aniline & Film Corporation.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-3864; Filed, April 29, 1942;
11:47 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

DETERMINATION, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO THE ORDER AS AMENDED, REGULATING THE HANDLING OF MILK IN THE WASHINGTON, D. C., MARKETING AREA¹

Pursuant to the powers conferred upon the Secretary of Agriculture of the United States by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.),

there was issued on August 29, 1941, effective September 6, 1941, Order No. 45, as amended, regulating the handling of milk in the Washington, D. C., marketing area.

A marketing agreement, as amended, regulating the handling of milk in the Washington, D. C., marketing area was tentatively approved on August 25, 1941.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Washington, D. C., on February 12, 16, 17, 18, and 19, 1942 on proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Washington, D. C., marketing area, at which times and place all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, and after the tentative approval, on April 22, 1942, of a marketing agreement, as amended, regulating the handling of milk in the Washington, D. C., marketing area, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the Washington, D. C., marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

Pursuant to the powers conferred upon the Secretary of Agriculture by the above-mentioned act, it is hereby determined:

(1) That the refusal or failure of said handlers to sign such tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of proposed amendment No. 1 to said Order No. 45, as amended, is the only practical means, pursuant to such policy, of advancing the interests of the producers of milk which is produced for sale in said area; and

(3) That the issuance of proposed amendment No. 1 to said Order No. 45, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of February, 1942, said month having been determined to be a representative period, were engaged in the production of milk for sale in said area.

Issued at Washington, D. C., on this 25th day of April 1942. Witness my hand and the Seal of the United States Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT
The President of the United States.

Dated: April 27, 1942.

[F. R. Doc. 42-3828, Filed, April 28, 1942;
4:39 p. m.]

¹ 7 F.R. 1971.

² Title 8, this issue.

³ 7 F.R. 1046.

¹ See 7 CFR Part 945, *supra*.

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF AN EXEMPTION FROM THE PROVISIONS OF THE WALSH-HEALEY PUBLIC CONTRACTS ACT OF CONTRACTS FOR CERTAIN CANNED FRUITS AND VEGETABLES

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Secretary of War having made written findings that the inclusion in contracts awarded on or before December 31, 1942, for canned fruits and vegetables of the varieties hereinafter named of the representations and stipulations of Section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) will seriously impair the conduct of Government business,

Notice is hereby given to all interested parties that they have until May 9, 1942 in which to show cause, if any they have, why the Secretary of Labor should not grant an exemption from the provisions of section 1 of the Walsh-Healey Public Contracts Act to permit the award of contracts during such period for the following varieties of canned fruits and vegetables without the inclusion of the representations and stipulations of that section:

Apples, canned.
Applesauce, canned.
Apricots, canned.
Asparagus, canned.
Beans, lima, canned.
Beans, string (or snap) canned.
Beets, canned.
Blackberries, canned.
Blueberries (huckleberries) canned.
Carrots, canned.
Catsup, canned.
Cherries, canned.
Corn, canned.
Figs, canned.
Fruit cocktail, canned.
Grapefruit, canned.
Grapefruit juice, canned.
Grapes, various, canned.
Loganberries, canned.
Peaches, canned.
Pears, canned.
Peas, canned.
Pineapple, canned.
Plums, canned.
Prunes, fresh, canned.
Pumpkin, canned.
Raspberries, canned.
Sauce, chili.
Spinach, canned.
Squash, canned.
Tomato Juice, canned.
Tomato Puree, canned.
Tomatoes, canned.

Briefs or telegraphic communications may be filed with me on or before the date indicated above. No form of brief is prescribed, but an original and four copies must be submitted.

Dated: April 29, 1942.

WM. R. McCOMB,
Assistant Administrator.

[F. R. Doc. 42-3866; Filed, April 29, 1942; 11:54 a. m.]

Ho. 84—10

Wage and Hour Division.

IN THE MATTER OF THE APPLICATIONS FOR THE EXEMPTION OF THE DEHYDRATING OF CITRUS PULP AND WASTE FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AN INDUSTRY OF A SEASONAL NATURE

NOTICE OF POSTPONEMENT OF HEARING

Whereas notice has been previously given and published in the FEDERAL REGISTER for April 18, 1942, that a public hearing would be held before Wesley O. Ash, Regional Director and authorized representative of the Administrator, to take testimony for the purpose of determining:

Whether the dehydrating of citrus pulp and waste is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder, and if so, the appropriate limits of said industry.

Whereas notice was previously given that this public hearing would be held at: Los Angeles, California, May 1, 1942, at 10 A. M., 417 H. W. Hellman Building.

Whereas notice has been received that interested parties will not be able to attend this hearing on the above date and have requested postponement,

Now, therefore, notice is hereby given that the above scheduled hearing will be held on May 14, 1942, at 10 A. M., 417 H. W. Hellman Building, Los Angeles, California before Wesley O. Ash. Signed at New York, New York, this 28th day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-3833; Filed, April 29, 1942; 9:28 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 711]

MID-CONTINENT AIRLINES, INC.

NOTICE OF HEARING

In the matter of the petition of Mid-Continent Airlines, Inc., for an order fixing and determining fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over routes nos. 26 and 48.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on May 4, 1942, at 10 a. m. (eastern standard time), in Room 5417 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., April 28, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-3859; Filed, April 29, 1942; 11:42 a. m.]

[Docket No. SA-64]

ACCIDENT INVOLVING AIRCRAFT NC 28538

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 28538, which occurred near Houston, Texas, on April 17, 1942.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Thursday, April 30, 1942, at 10:00 a. m. (C. W. T.) at the Texas State Hotel, Houston, Texas.

Dated, Washington, D. C., April 28, 1942.

[SEAL] G. NATHAN CALENS, Jr.,
Examiner.

[F. R. Doc. 42-3860; Filed, April 29, 1942; 11:42 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5737]

IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

APRIL 28, 1942.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commission orders that: The hearing in the above-entitled matter heretofore set for May 4, 1942, be and it is hereby postponed to May 18, 1942, at 9:45 a. m. (C. W. T.), in Jury Room 525, United States Courthouse, Kansas City, Missouri.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-3844; Filed, April 29, 1942; 10:24 a. m.]

[Docket No. DI-166]

IN THE MATTER OF GEORGIA POWER COMPANY

ORDER FIXING DATE OF HEARING

APRIL 28, 1942.

Upon declaration of intention filed March 5, 1942, by Georgia Power Company of Atlanta, Georgia, pursuant to section 23 (b) of the Federal Power Act, relating to the construction of a hydro-electric development, known as the Furman Shoals project, on the Oconee River about four miles north of Milledgeville, in Baldwin County, Georgia; and

It appearing that: By telegram dated April 13, 1942, the Commission requested declarant to advise whether it desired a hearing on the questions presented by the declaration of intention, and in response thereto the declarant has requested that it be given an opportunity to be heard with reasonable notice in order for its attorneys to prepare therefor;

It is ordered that: A public hearing on the aforesaid declaration be held on June 15, 1942, beginning at 9:45 a. m. (E. W. T.), in the Commission's hearing room, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-3845; Filed, April 29, 1942;
10:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-6]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER DISMISSING PARTY FROM PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of April 1942.

The Commission on March 4, 1940, having issued a Notice of and Order for Hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in the above-captioned matter;

Arctic Ice Company, a subsidiary of Merchants Ice & Cold Storage Company, in turn a subsidiary of Commonwealth Utilities Corporation, which in turn is a subsidiary of The United Gas Improvement Company, having been made a Respondent in the aforesaid proceeding; and

It appearing that The United Gas Improvement Company has disposed of all of its direct or indirect holdings of securities of Arctic Ice Company and that by reason thereof such company is no longer a subsidiary company of The United Gas Improvement Company;

It is hereby ordered, That Arctic Ice Company be and hereby is dismissed as a party to this proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3840; Filed, April 29, 1942;
10:23 a. m.]

[File No. 1-835]

IN THE MATTER OF ALTORFER BROTHERS COMPANY \$3.00 CUMULATIVE CONVERTIBLE PREFERENCE STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of April, A. D. 1942.

The Altorfer Brothers Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its \$3.00 Cumulative Convertible Preference Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 7, 1942.

By the Commission.

[SEAL] FRANCES P. BRASSOR,
Secretary.

[F. R. Doc. 42-3841; Filed, April 29, 1942;
10:23 a. m.]

[File No. 70-521]

IN THE MATTER OF CENTRAL POWER AND LIGHT COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of April, A. D. 1942.

Central Power and Light Company having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of \$5,900,000 principal amount of its unsecured notes, 2½%, 2¾%, and 3%, due serially August 1, 1942-April 1, 1952, in semi-annual maturities varying from \$150,000 to \$550,000 in amount. Notes in the principal amount of \$2,425,000 comprising the first 12 maturities, are to be purchased by the First National Bank of Chicago, and in the principal amount of \$3,475,000 comprising the last 8 maturities, are to be purchased by the Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin; and

Said declaration having been filed on March 28, 1942 and an amendment thereto having been filed on March 31, 1942 and a notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, that the requirements of section 7(c) of said Act are satisfied and that no adverse findings are necessary under section 7(d) of said Act:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration as amended be, and hereby is, permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3842; Filed, April 29, 1942;
10:23 a. m.]

[File No. 70-538]

IN THE MATTER OF KENTUCKY-TENNESSEE LIGHT AND POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 28th day of April, A. D. 1942.

Notice is hereby given that an application or declaration (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Kentucky-Tennessee Light and Power Company; and

Notice is further given that any interested person may, not later than May 15, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Kentucky-Tennessee Light and Power Company proposes to sell all of its physical properties and other assets located in the City of Frankfort, Kentucky and immediate vicinity, comprising its electric and water utility business in said territory, in accordance with the terms and provisions of an agreement dated April 13, 1942, by and between the company and John Kirtley and Louis Cox, residents of the Commonwealth of Kentucky. A new company, to be known as Frankfort Utilities Corporation, will be formed to assume the obligations of the purchasers under the purchase agreement. The consideration to be received by Kentucky-Tennessee Light and Power Company for the said physical properties and other assets is \$1,350,000. The application or declaration states that the proposed transaction is the initial step in a general program contemplating the partial liquidation of Kentucky-Tennessee Light and Power Company prior to the divestment by Associated Electric Company, parent of the company, of its entire interest in the company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3843; Filed, April 29, 1942;
10:24 a. m.]